



Inspection of Stearns County Ditch 10

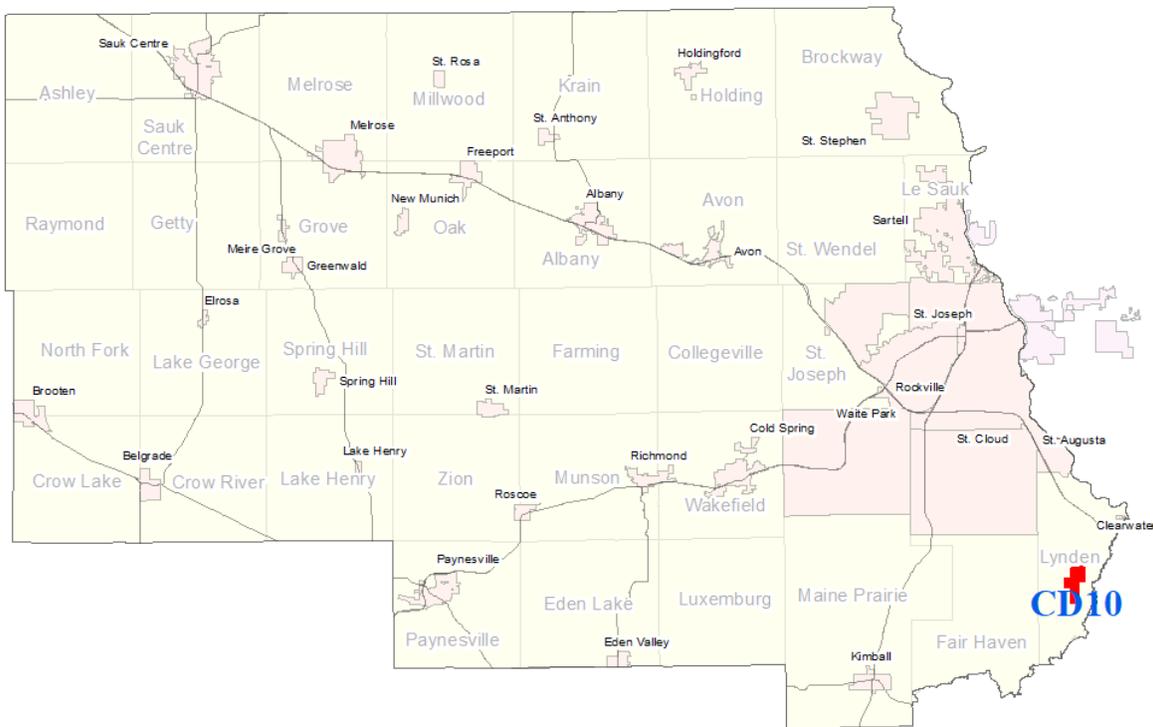
January 22, 2022

Purpose

Staff is presenting this report to the Stearns County Board of Commissioners, acting as the Drainage Authority for Stearns County Ditch 10 (CD10), as required by Minnesota Statute 103E. The purpose of this report is to share the results of the inspection. The ditch system exists entirely within Lynden Township.

Background

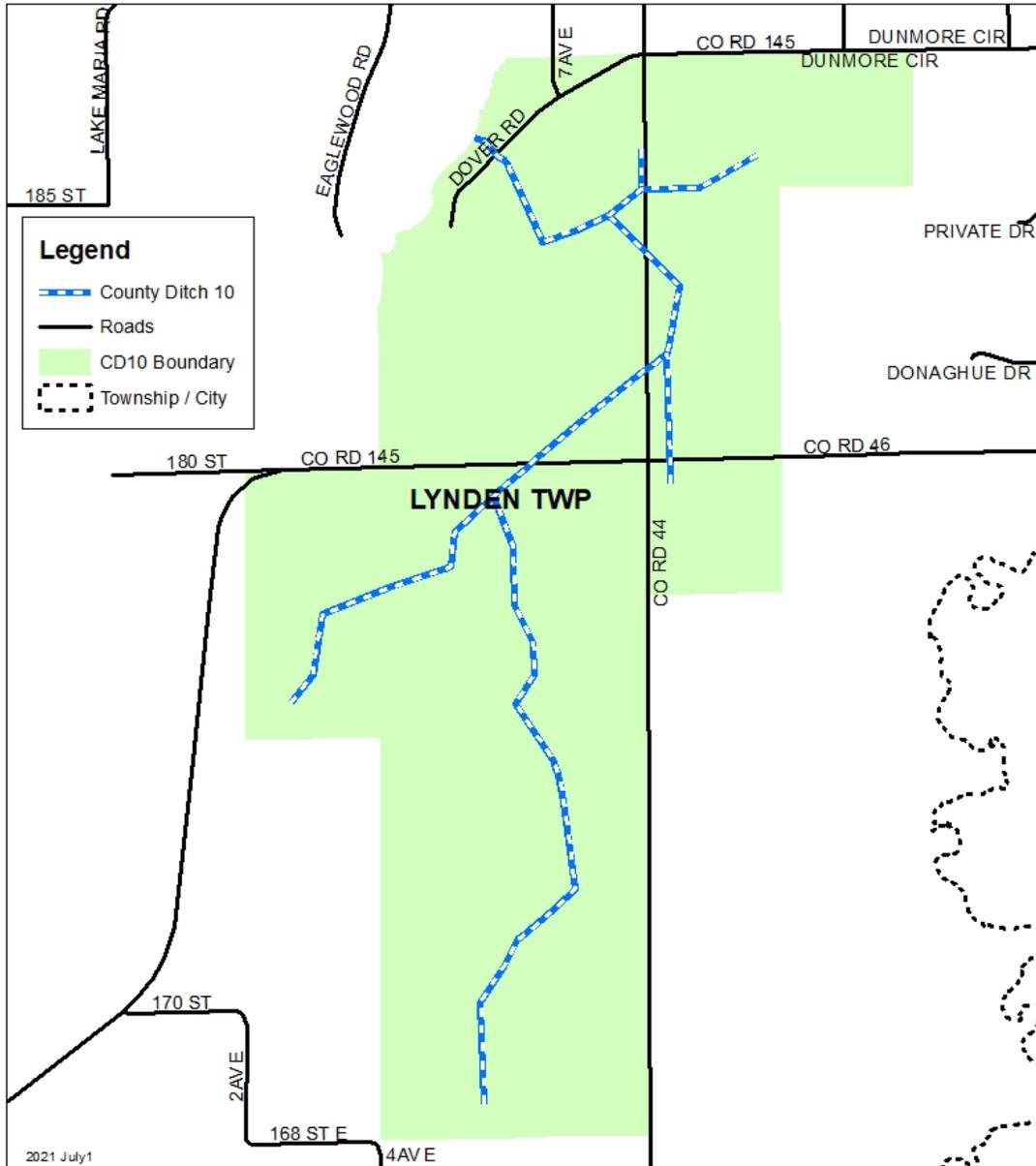
CD 10 was established in 1904 by property owner petition. The ditch is approximately 3.6 miles in length and contains about 894 of benefited acres. CD 10 is not considered public waters of Minnesota, which means that the Department of Natural Resources (DNR) has no oversight.



The benefited acres within the system are show below.

Stearns County Ditch 10

Stearns County Ditch 10 flows from south to north. The ditch is entirely within Lynden Township. All property owners in the shaded area are considered legal benefited property owners within the drainage system. A benefited property owner is responsible for any costs incurred to maintain the ditch. Stearns County is legally obligated to maintain the ditch.

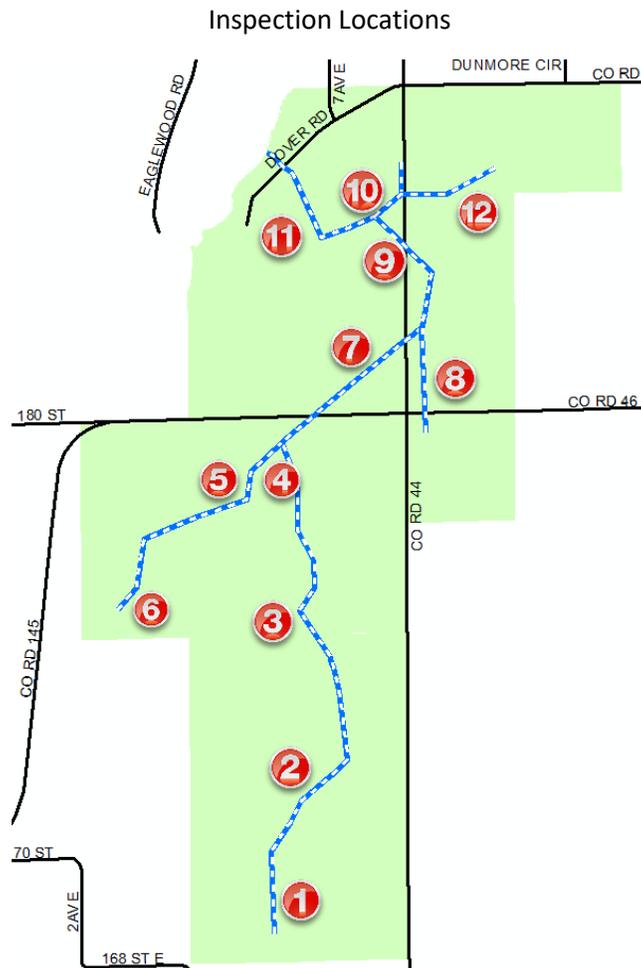


Inspection Summary

The inspection of CD10 began in the summer of 2021 when a letter was mailed to property owners within the system to provide notification of the inspection and to invite property owners to contact Stearns County if there were any concerns about the condition of the ditch or its impact on their property.

Staff inventoried all the crossings over the ditch system, particularly those on County Road 44. Due to scheduled Stearns County Highway maintenance impacting culverts on the drainage system, the inspection gathered information to better understand culvert location. It was expected by staff that Stearns County Highway would request elevations from the Drainage Authority for new culvert placement. There is no reestablishment of records on CD10, and the original engineering elevations cannot be accurately translated to any modern elevation measurement.

As part of the inspection, an informational meeting with property owners was held on September 22, 2021. Besides sharing an overview of the system and how drainage systems are administered, staff again asked any property who had concerns with the ditch to contact Stearns County. To date, no one has contacted Stearns County to share an issue or convey interest in work on the ditch.



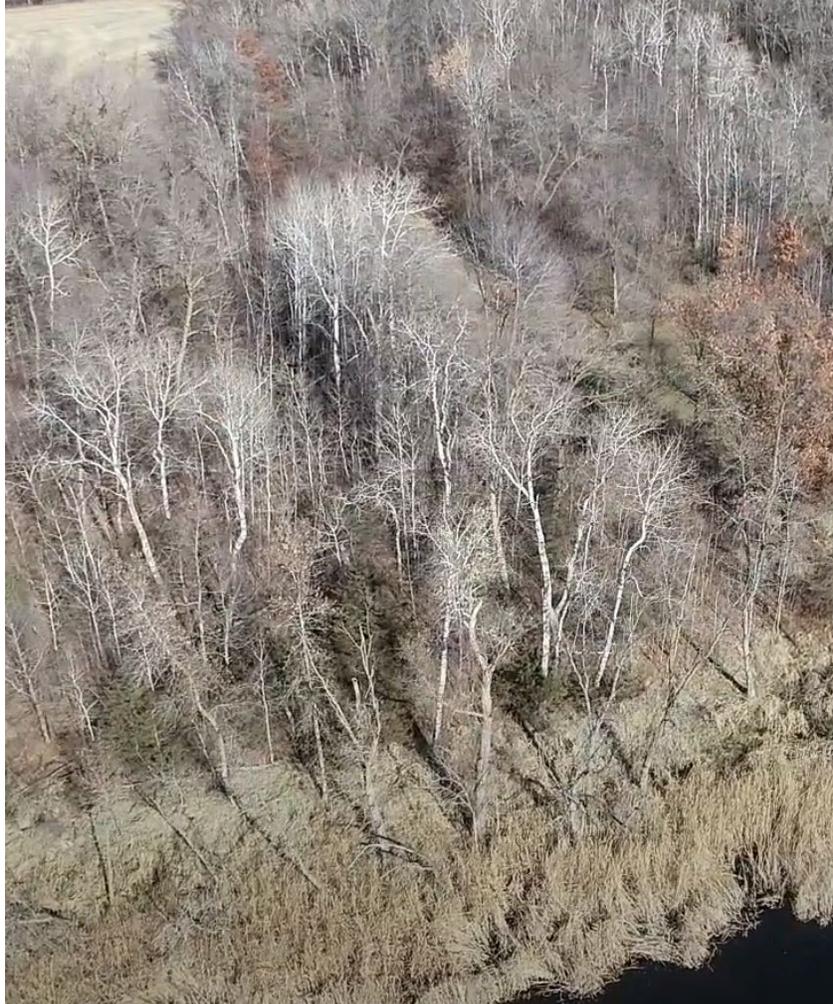
Inspection Area 1 – Main - Ditch Begin 19.10365.0000

The beginning of the ditch runs through type 3 wetlands and the vegetation overgrowth makes visually seeing a channel difficult.



Inspection Area 2 – Main - 19.10349.0000

The area north of a small water body is clearly heavily wooded. The view is obstructed, and the channel is more likely than not to be impacted.



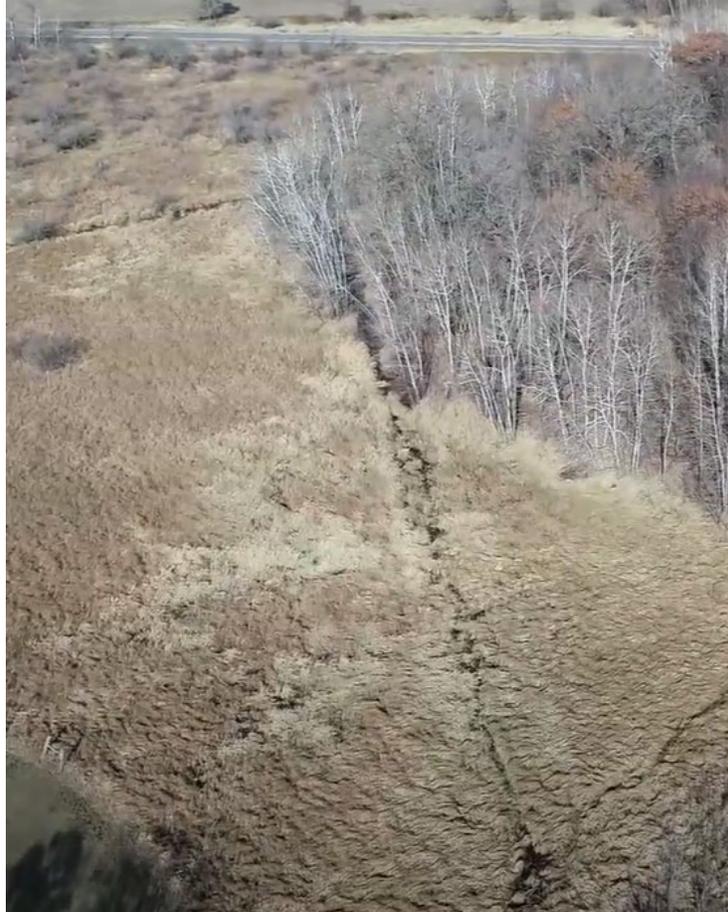
Inspection Area 3 – Main – 19.10348.0004

The ditch in this area passes to the east (right) of the water body. The channel is overgrown with vegetation making visual observation of the channel difficult.



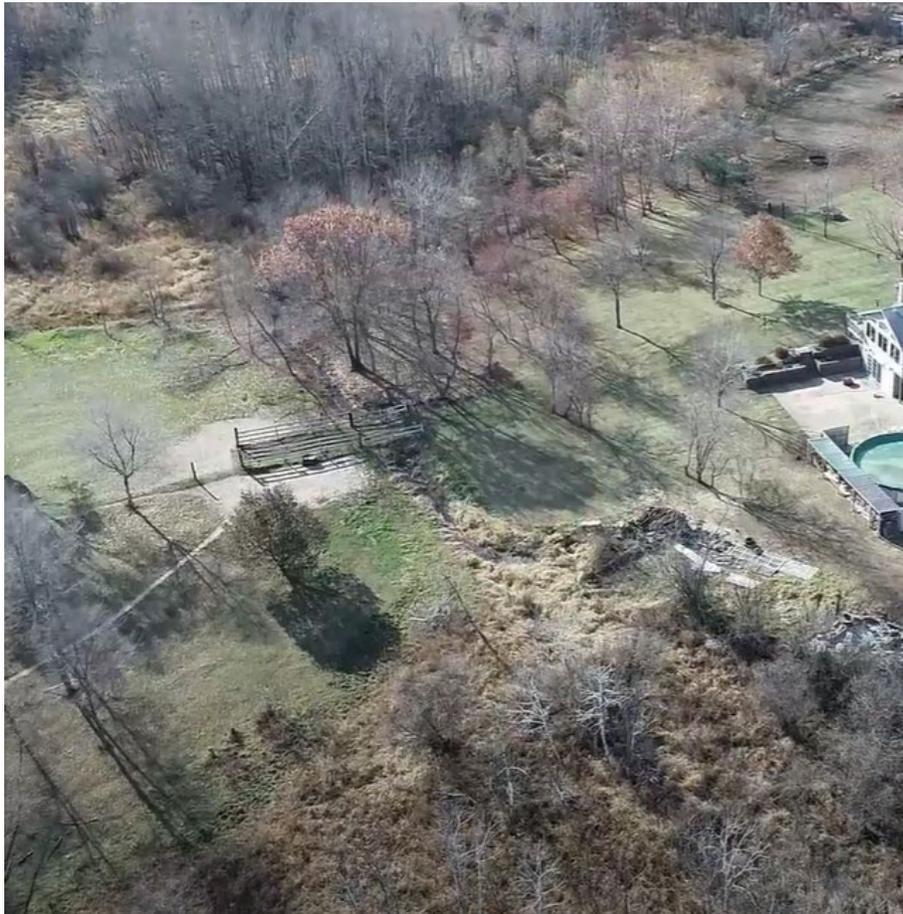
Inspection Area 4 –Main and Branch 1 Intersection 19.10338.0000

The channel runs south to north with Branch 1 approaching from the left in the photo. The channel is free of trees and the channel is better defined, but vegetation overgrowth is present.



Inspection Area 5 – Branch 1 Private crossing 19.10338.0000

Branch 1 flows from south to north. This photo is looking south at a private crossing.



Inspection Area 6 – Branch 1 begin 19.10341.0000

The beginning of Branch 1 is a marshy area and shares the same vegetation issues as the rest of Branch 1.



Inspection Area 7 – Main Channel begin 19.10294.0000

This area of the ditch is overgrown with grass vegetation and the channel definition is difficult to see in this area.



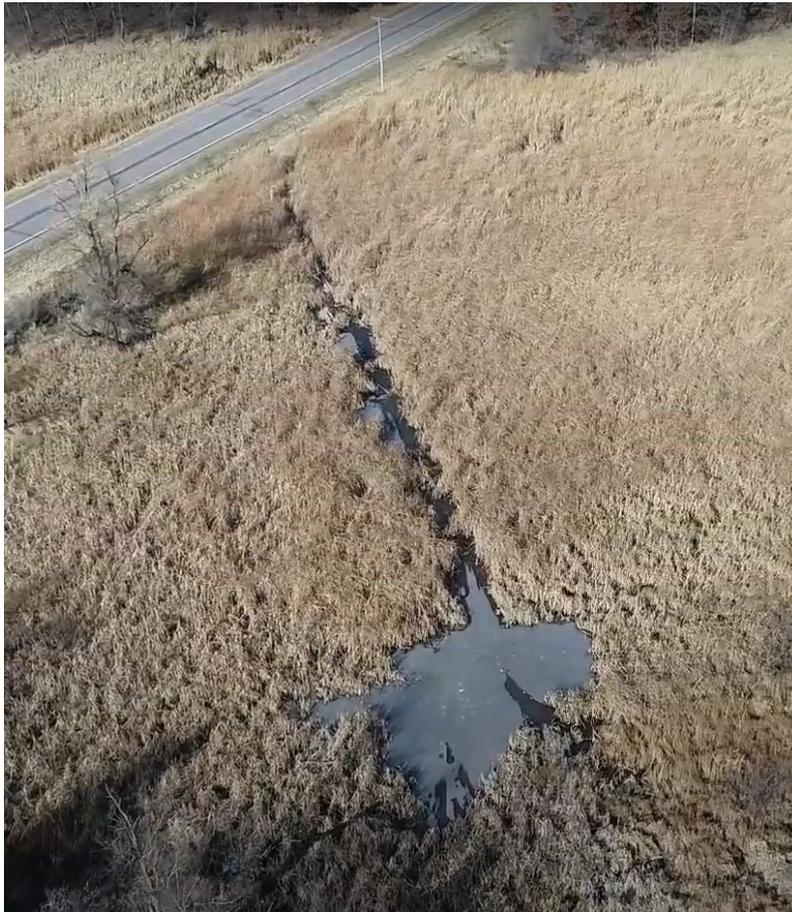
Inspection Area 8 – Branch #2 19.10598.0501

Branch #2 flows from south to north. This area is considered Type 3 wetland



Inspection Area 9 – Main Branch 19.10312.0000

The channel in this area is visible, although vegetation overgrowth is present.



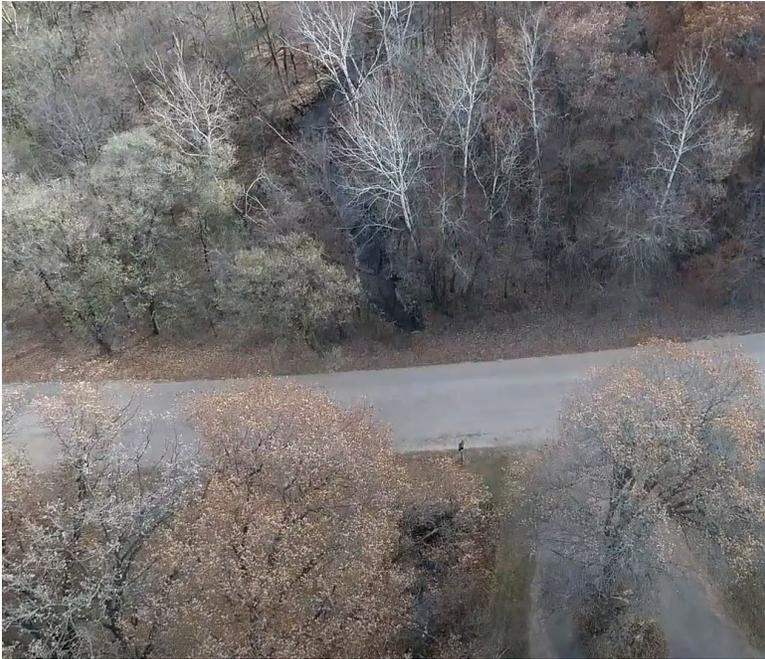
Inspection Area 10 – Main Branch and Branch #3 19.10291.0010

The intersection of the main channel and Branch #3 contains heavy vegetation, and the channel is difficult to view. This area is Type 3 wetlands.



Inspection Area 11 – Main Branch 19.10291.0010 and Dover Rd

The channel is defined in this area, but vegetation is heavy. Tree cover is particularly heavy in this area.



Inspection Area 12 – Branch #3 19.10312.0000

The channel is visible, but vegetation overgrowth is prevalent.



Conclusion

The ditch is consistently overgrown with vegetation on the main channel and branches. Trees create access issues and contribute to potential obstructions due to down fall. No reported concerns have been received from property owners during the inspection process. Based on the absence of visual obstructions or property owner concerns, Stearns County will continue to monitor the drainage system.

All property owners of the CD 10 drainage system were invited to an informational meeting held on September 22, 2021. The purpose the meeting was to introduce how drainage systems are administered and discuss a staff proposed engineering project. Staff felt a legal process titled Reestablishment of Drainage System records was needed to properly maintain the ditch. During the discussion, property owners expressed great concern over the cost of the engineering and generally approved of the system in its current condition. Based on the lack of support during the meeting and since the meeting, Stearns County leadership choose not to pursue the reestablishment engineering. The lack of this information will make any repair projects difficult, if not impossible due to the presence of wetlands.

There are no 103E.021 permanent buffer strip violations as the CD 10 drainage system has not acquired the one-rod perennial vegetation buffer.

The next schedule inspection is 2027 based on MN 103E requirements.

Appendix A – Inspection Notification Letter to Property Owners



COUNTY OF STEARNS
PROPERTY SERVICES DIVISION
Land Services

Service Center Rm 2310 • 3301 County Road 138 • Waite Park, MN 56387

Drainage 320-654-4703 • GIS 320-656-3906 • Surveyor 320-656-3696

www.stearnscountymn.gov

<OWNER NAME>
<STREET ADDRESS>
<CITY, MN ZIP>

RE: Stearns County Ditch 10 Inspection

Dear Benefitted Property Owner for Stearns County Ditch 10,

My name is Chad Martini, Land Services Manager, and I serve as the Stearns County Drainage Administrator working out of the Property Services Division. I am writing this letter to inform you of an upcoming field inspection to County Ditch 10. Stearns County Ditch 10 was established in 1904, is approximately 3.5 miles in length and contains roughly 894 benefitted acres. The ditch lies entirely in Lynden Township near County Road 46.

During the inspection we plan on completing the following:

- Travel the entire length of the ditch by ATV and document ditch condition with pictures and notes
- Measuring invert elevations on ditch crossings
- Completing a ditch crossing inventory including culvert size, type, length, condition, etc.
- Remove any obstructions, small enough to be removed by hand, found during the inspection

We intend on performing the field inspection in the months of July and August 2021. We understand there may be areas of the ditch you may have concerns about that we are not aware of, so as we are working our way through the inspection, please don't hesitate to contact us and share your concerns. If you have any other questions or concerns about the field inspection or want to be notified prior to our ditch team entering your property please contact Dean Schramel, Stearns County Survey Coordinator, at 320-248-0205. We appreciate your time and cooperation in this process.

Sincerely,

Chad Martini
Stearns County Land Services Manager
320-654-4690
Chad.martini@co.stearns.mn.us
July 9, 2021



**Stearns County
Board of Commissioners**

Stearns County Administration Center
705 Courthouse Square
St. Cloud, MN 56303
320-656-3601

**Regular Meeting Minutes
Tuesday, July 19, 2022**

Call to Order

9:00 AM Meeting called to order by Steven L. Notch, Chair, on July 19, 2022 at County Board Room, County Administration Center, St. Cloud, MN.

Roll Call

District 1 Tarryl Clark: Absent, District 2 Joe Perske: Present, District 3 Jeff Mergen: Present, District 4 Leigh Lenzmeier: Present, District 5 Steve Notch: Present, County Administrator Michael Williams: Present, County Auditor - Treasurer Randy Schreifels: Present, Office Specialist Tammy Moulzolf: Present.

Approve Agenda

1. Motion to Approve Agenda

RESULT: APPROVED [UNANIMOUS]

MOVER: Leigh Lenzmeier

SECONDER: Jeff Mergen

Public Access Forum

Clyde Terwey, Richmond MN, stated his concerns regarding the negative impacts of short term vacation home rentals and the need to update the County's ordinance.

Dawn Jensen, Richmond MN, stated the need for tighter restrictions on short term vacation home rentals due to Marriott expanding into this market resulting in homes becoming hotels.

Mary Kay Huhne, St. Joseph MN, stated that the LCCMR (Legislative-Citizens Commission on Minnesota Resources) is using the Endangered Species Act to protect plants in order to halt farming, timber and mining operations in Minnesota.

Carrie Austin, Melrose MN, stated she would like all ballots related to the 2020 Election sequestered and held for transparency.

Sandy Klocker, Avon MN, brought forward various election concerns and questions she is seeking answers for.

Consent Agenda

1. Approve minutes of Tuesday, June 28, 2022
2. Adopt Record Retention/Data Inventory Schedules and Data Access Policy
3. Approve a County of Stearns Tobacco License for July 19, 2022 through June 30, 2023 for Cloud Tobacco in St. Augusta.
4. Approve Application and Permit for a One Day Temporary On-Sale Liquor License submitted by St. Nicholas Catholic Church for their bizarre to be held on September 24, 2022 inside and outside of the main building located at 15904 County Road 21, Watkins MN in Luxemburg Township

5. For Informational Purposes Only Claims Paid June 18, 2022 through July 8, 2022 in Amount of \$59,212,696.68, Excluding Investment Purchases
6. Approve Human Resources Director to negotiate starting salary for Environmental Specialist Senior-Environmental Health Division vacancy above Step G and within designated salary grade
7. For Informational Purposes Only Human Services Claims Paid June 17, 2022 through July 8, 2022 in Amount of \$118,622.07
8. Approve County Ditch inspection reports for County Ditch 22, County Ditch 10 and County Ditch 27 for entry into the official drainage records.
9. Accept 2021 Highway Department Annual Report
10. Approve MnDOT Agreement 1050922 Related to Detour Along County State Aid Highway 53 in Albany for Trunk Highway 238/County State Aid Highway 54 Intersection Reconstruction and approve Resolution 22-44
11. Approve Resolution 22-45 updating Bridge priorities
12. Approve Resolution 22-46 advancing state aid funding
13. Approve Minnesota Department of Health COVID-19 Testing Grant Partnership

RESULT: APPROVED [UNANIMOUS]

MOVER: Joe Perske

SECONDER: Leigh Lenzmeier

Public Hearing

1. Conduct Public Hearing on Modification to Ordinance 593

A public hearing was held regarding modifications to Ordinance No. 593 regarding enforcement of said ordinance. Sheriff Soyka provided a brief overview. Chair Notch opened the public hearing for public input. Jon Lenz, Sheriff Patrol Captain, noted the specifics of the enforcement modifications for clarity. No one came forth to be heard therefore Chair Notch closed the public hearing. **Motion was made to approve modifications to Ordinance Number 593-An Ordinance Regulating the Use of County Parks, Prohibiting Certain Conduct Therein and Providing Penalties for Violation of the Ordinance.**

MODIFICATIONS TO COUNTY ORDINANCE NO. 593

19. ENFORCEMENT

19.1 Penalty.

19.1 (a) Any person violating the Tobacco and E-Cigarette Free Areas of this Ordinance shall be guilty of a petty misdemeanor.

19.1 (b) Any person violating any provision of this Ordinance shall be guilty of a misdemeanor.

19.2 Enforcement Authority.

It shall be the duty of the Director, and such other County park employees as the County Board may designate and the Stearns County Sheriff to enforce the provisions of this Ordinance. The Stearns County Sheriff may direct Sheriff Deputies and Community Service Officers to enforce- the provisions of this

Ordinance. Community Service Officers have the authority to issue citations for petty misdemeanor or misdemeanor infractions for violations of Ordinance 593.

Presenter: Steve Soyka, County Sheriff; Jon Lentz, Sheriff Patrol Captain;

RESULT: APPROVED [UNANIMOUS]

MOVER: Jeff Mergen

SECONDER: Joe Perske

Public Hearing

1. Conduct Public Hearing on Proposed Community Service Officer Ordinance

A public hearing was held regarding proposed Ordinance No. 641 regarding Community Service Officer duties. Jon Lenz, Sheriff Patrol Captain, provided a brief overview. Chair Notch opened the public hearing for public input. No one came forth to be heard therefore Chair Notch closed the public hearing. **Motion was made to enact Ordinance No. 641 relating to Community Service Officer duties.**

ORDINANCE NUMBER 641

COUNTY OF STEARNS STATE OF MINNESOTA

STEARNS COUNTY COMMUNITY SERVICE OFFICER ORDINANCE

SECTION 1 PURPOSE

To provide for the health, safety, and welfare of Stearns County citizens by establishing an Ordinance authorizing the duties and responsibilities of community service officers while providing supplementary assistance to the Stearns County Sheriff's Office.

SECTION 2 AUTHORITY

Minnesota Statutes Sections 387.03 and 626.84.

SECTION 3. DEFINITIONS

The words or terms as used in this Ordinance have the meanings given them in this section unless a different meaning is clearly indicated by the context.

“Community Service Officer” means an individual whose services are utilized by the Stearns County Sherriff's Office to provide supplementary assistance to peace officers with specific tasks and duties to create efficiency for the Sherriff's Office and improve services to the community, and shall include reserve deputies, reserve officers, special deputies, and mounted or unmounted patrols, and all other employees or volunteers performing community service officer functions. A community service officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.

“County park” as defined in Stearns County Ordinance 593, Section 2.3.

“Large gathering” as defined in Stearns County Ordinance 254, Section 3.8.

“Municipality” as defined in Minn. Stat. 471.345, subd. 1.

“Peace officer” as defined in Minn. Stat. 626.84, subd. 1(c).

“Public access” as defined in Minn. Stat. 97A.015, subd. 40.

“Public event” means any indoor or outdoor event for the general public on public or private property including, but not limited to, fairs, carnivals, festivals, celebrations or sporting events.

“Public waters” as defined in Minn. Stat. 103G.005, subd. 15.

“Public waters wetlands” as defined in Minn. Stat. 103G.005, subd 15(a).

SECTION 4. DUTIES OF A COMMUNITY SERVICE OFFICER

The responsibilities or duties of a community service office shall always be under the direction of the Sheriff and shall include, but are not limited to:

- 4.1. Enforcing parking violations outlined in Minn. Admin. R. 6218.0100, subpart 1., at a public access to public waters or public water wetlands.
- 4.2. Enforcing parking violations at County parks.
- 4.3. Enforcing parking violations in municipalities where the Stearns County Sheriff’s Office has contracted with these municipalities to furnish police services pursuant to Minn. Stat. 436.05.
- 4.4. Assisting with traffic control at traffic accidents or large gatherings or any public event.
- 4.5. Providing crowd control at a public event.
- 4.6. Providing all other general assistance at the direction of the Stearns County Sheriff or other peace officers employed by the Stearns County Sheriff’s Office

SECTION 5. AUTHORITY OF A COMMUNITY SERVICE OFFICER

A community service officer duly appointed by the Stearns County Sheriff is authorized to issue citations for violations of petty misdemeanor or misdemeanor ordinance infractions or statutory violations related to the duties listed in Section 2 of this ordinance or as provided in any other Stearns County Ordinance, as directed by the Stearns County Sheriff.

SECTION 6. EFFECTIVE DATE

This ordinance is effective upon its passage and publication according to law.

Presenter: Steve Soyka, County Sheriff; Jon Lentz, Sheriff Patrol Captain;

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Jeff Mergen

SECONDER: Leigh Lenzmeier

Public Hearing

1. Conduct Public Hearing on 0.25 Percent Local Option Transportation Sales Tax

A public hearing was held regarding a proposed 0.25 Percent Local Option Transportation Sales Tax. Jodi Teich, County Highway Engineer, provided a brief overview. Chair Notch opened the public hearing for public input. Ms. Teich read into record a correspondence received from Rena Weber opposing the transportation sales tax. No one else came forth to be heard therefore Chair Notch closed the public hearing. **After some discussion, it was the consensus of the Board to continue the public hearing at the August 2, 2022 County Board Meeting in order for more information to be provided.**

Presenter: Jodi Teich, Highway Engineer;

RESULT: POSTPONED

Public Works

Presentation by Jodi Teich, County Engineer, re: consideration of:

1. Approve 2023 – 2027 Road Program

RESULT: POSTPONED UNTIL COMPLETION OF PUBLIC HEARING ON 0.25% LOCAL OPTION TRANSPORTATION SALES TAX

2. Approve Resolution 22-47 supporting the release of Perpetual Easement in Waite Park.

RESOLUTION 22-47

WHEREAS: Stearns County was granted a perpetual easement in 2010 for the purposes of road access, ingress and egress, drainage and utility, maintenance, and repair; and

WHEREAS: It appears to the Board of Commissioners that there is no longer an interest for county purposes in said easement; and

WHEREAS: The city of Waite Park no longer has an interest in a roadway alignment along said easement; and

WHEREAS: the city of Waite Park has requested that the county vacate its interest in the easement.

NOW, THEREFORE, BE IT RESOLVED: That the easement described as follows, to wit:

That part of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4), Section Thirteen (13), Township One Hundred Twenty-four (124) North, Range Twenty-nine (29) West, Stearns County, Minnesota, lying southeasterly of the southeasterly right of way line of STEARNS COUNTY HIGHWAY RIGHT OF WAY PLAT NUMBER 23 as is recorded in the Office of the County Recorder in and for Stearns County, Minnesota, and lying Eighty (80.00) feet westerly of, as measured at a right angle to, and parallel with the following described line; commencing at the South Quarter Comer of said Section 13, thence on an assumed bearing of North 88° 56' 00" East along the south line of said SW1/4 SE1/4 for a distance of 619.54 feet; thence continuing North 88° 56' 00" East along said south line for a distance of 80.00 feet to the southwest comer of PRIMEWEST BUSINESS PARK as is recorded in the Office of the County Recorder in and for Stearns County, Minnesota and the point of beginning of the line to be described; thence North 00° 30' 58" West along the west line of said PRIMEWEST BUSINESS PARK for a distance of 1026.54 feet; thence

northwesterly along a tangential curve concave to the west having a radius of 440.00 feet , a central angle of 38° 10' 29" for 293.16 feet; thence North 38° 41' 27" West, tangent to said curve, a distance of 79 .41 feet to its intersection with said southeasterly right of way and there terminating.

And The east Twenty (20.00) feet of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4), Section Thirteen (13), Township One Hundred Twenty-four North (T124N), Range Twenty-nine West (R29W), Stearns County, Minnesota; lying southeasterly of the southeasterly right of way line of STEARNS COUNTY HIGHWAY RIGHT OF WAY PLAT NUMBER 23 as is recorded in the Office of the County Recorder in and for Stearns County, Minnesota; and lying northerly of the northerly line of PRIMEWEST BUSINESS PARK as is recorded in the Office of the County Recorder in and for Stearns County, Minnesota.

BE, AND HEREBY IS, vacated to the underlying fee owner.

RESULT: APPROVED [UNANIMOUS]

MOVER: Leigh Lenzmeier

SECONDER: Jeff Mergen

Parks

Presentation by Benjamin Anderson, Park Director, re: consideration of:

1. Approve Resolution 22-48 supporting Parks and Trails Legacy Funding Application for Quarry Park & Nature to fix erosion issues around Swimming Quarry #2 at Quarry Park.

RESOLUTION 22-48

RESOLUTION APPROVING A GREATER MINNESOTA LEGACY GRANT APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION (GMRPTC) AND MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE QUARRY PARK MAINTENANCE AND EROSION CONTROL PROJECT

WHEREAS, Stearns County has the right and authority to sponsor a grant funding request to the Greater Minnesota Regional Parks and Trails Commission (GMRPTC).

WHEREAS, Stearns County has a right and authority to act as Legal Sponsor for the State Grant Application (the "Application") and will work with the Minnesota Department of Natural Resources ("DNR"), in developing a Grant Agreement relating to the funding which may be awarded by the GMRPTC.

THEREFORE, BE IT RESOLVED:

1. Applicant certifies it has read and understands the Office of Grants Management [Conflict of Interest Policy 08-01 <https://mn.gov/admin/assets/grants_policy_08-01_tcm36-207108.pdf>](https://mn.gov/admin/assets/grants_policy_08-01_tcm36-207108.pdf), will maintain an adequate Conflict of Interest Policy and monitor and report any actual, potential, or perceived conflicts of interest to the GMRPTC and DNR.
2. Applicant confirms all of the information in its application and further confirms that it has no expectation of, or entitlement to, reimbursement of costs incurred prior to grant agreement

- execution date and, if applicable, it has not entered into a written purchase agreement to acquire property described in its application if grant funds are to be used for the purchase.
3. Applicant has or will acquire a fee interest ownership or permanent easement over the land described in the Application for regional parks and regional special feature parks as applicable. The applicant has or will acquire a fee interest, permanent or perpetual easement or minimum twenty (20) year lease over the land described in the Application for regional trails or regional special feature parks, as applicable and approved, before the project proceeds.
 4. Applicant agrees that it will comply with all applicable laws, regulations and requirements as stated in the Grant Agreement with the DNR, including dedicating the park property for uses consistent with the grant agreement into perpetuity or for trails, committing to maintain the trails for a period of not less than twenty (20) years, and dedicating all land acquired under the project for uses consistent with the grant agreement into perpetuity.

BE IT FURTHER UNDERSTOOD, that the GMRPTC will confirm at such time that it has made the award of funds authorizing a Grant Agreement to be developed between the DNR and the Applicant.

RESULT: APPROVED [3 TO 1]

MOVER: Joe Perske

SECONDER: Leigh Lenzmeier

ROLL CALL VOTE:

AYES: Lenzmeier, Perske, Notch

NAYS: Mergen

ABSENT: Clark

Property Services

Presentation by Jeff Johnson, Property Services Division Director, re: consideration of:

1. Authorize Appointment of Drainage Viewers for Stearns County Ditch 28

Motion was made to approve draft Findings and Order Initiating the Redetermination of Benefits and Damages and Appointing Viewers Joe Jacobs, Allen Kerber and Brad Wick for County Ditch 28 with Ron Rinquist as the alternate in accordance with MN Stat. 103E.

Presenter: Chad Martini, Land Services Manager; Kale Van Bruggen, Attorney - Rinke Noonan

RESULT: APPROVED [4 TO 0]

MOVER: Jeff Mergen

SECONDER: Joe Perske

ROLL CALL VOTE:

AYES: Mergen, Lenzmeier, Perske, Notch

ABSENT: Clark

Minnesota Inter-County Association

1. Receive Minnesota Inter-County Association 2022 Annual Update

RESULT: INFORMATIONAL – NO VOTE

Adjournment

Chair Notch adjourned the County Board Meeting at 11:22 a.m.