

Stearns County Ditch 10

- Overview of the drainage system, roles and responsibilities, potential projects and their impact to property owners
- September 22, 2021
- 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 CD10 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 10 Drainage Authority decides which projects are approved.

What is a legal drainage system?

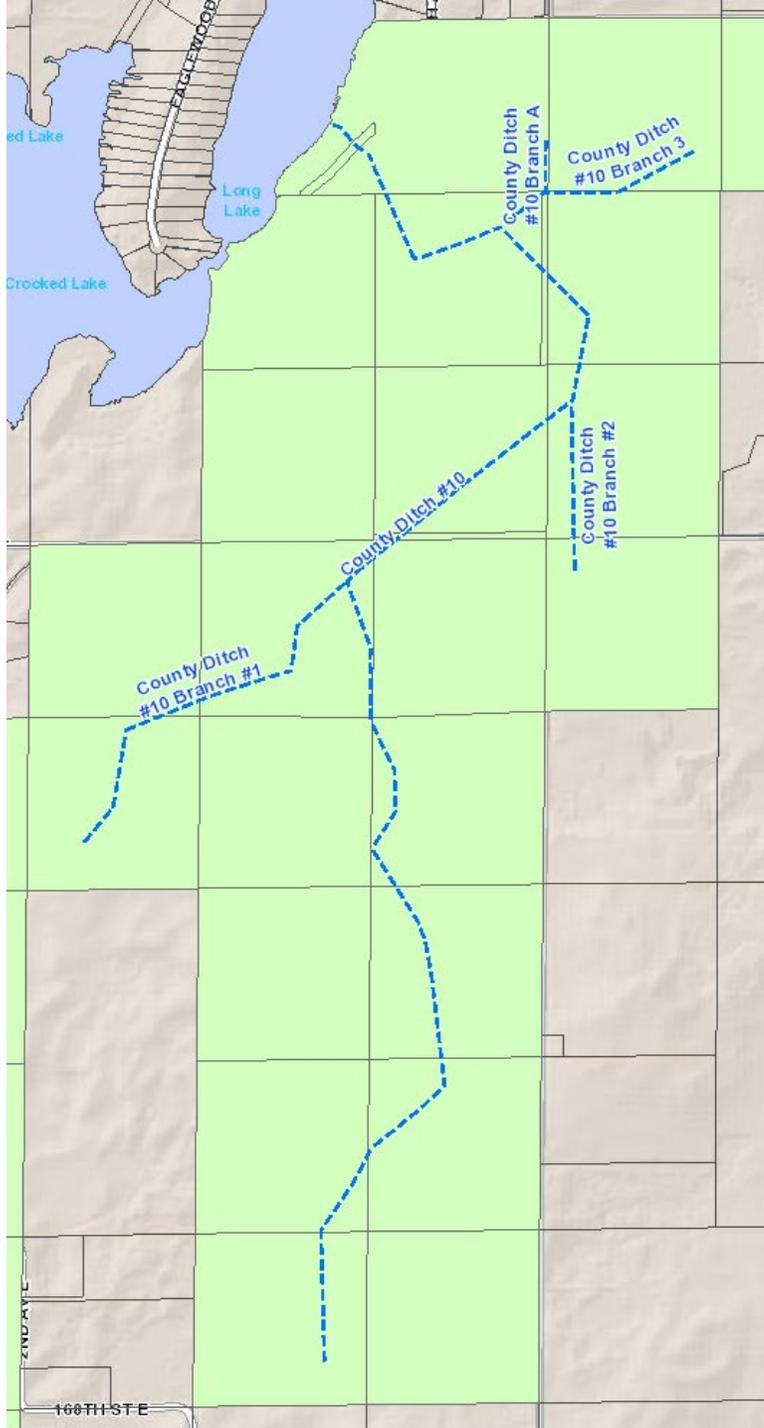
- Established by property owner petition
- Most are very old (early 1900's)
- Purpose was to drain land for agricultural purposes
- When the ditch was established, Ditch Viewers determined which properties participated in the system.
- Any costs for maintaining a drainage system are paid by those benefitted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

The ditch benefit 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 10.

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 benefit, and it is those property owners who pay ditch costs through special assessments on their tax bills.

What is the Drainage Authority?

- The Drainage Authority is the legal entity responsible for a drainage system.
- In the case of CD10, 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.

Projects Under Consideration



ENGINEERS REPORT ON RE-ESTABLISHMENT
OF DRAINAGE SYSTEM RECORDS



DITCH INSPECTION

What is Ditch Re-establishment?

- MN103E.101 Subd. 4a – If, after thorough investigation of a drainage system records, a drainage authority finds that records establishing the alignment, cross-section, profile, or right of way of a drainage system that it administers are lost, destroyed, or otherwise incomplete, it may, by order, reestablish records defining ...
- As is often the case with old drainage systems, the right of way, alignment, and profile are incomplete due to the inability to translate the original elevation values into meaningful feet above sea level.

Why is a ditch elevation profile important?



By law, a drainage ditch cannot be repaired (excavated) to a lower depth than what was originally constructed.



In the case of road crossings, it is the responsibility of the Drainage Authority to authorize and determine the proper elevation of a crossing culvert.

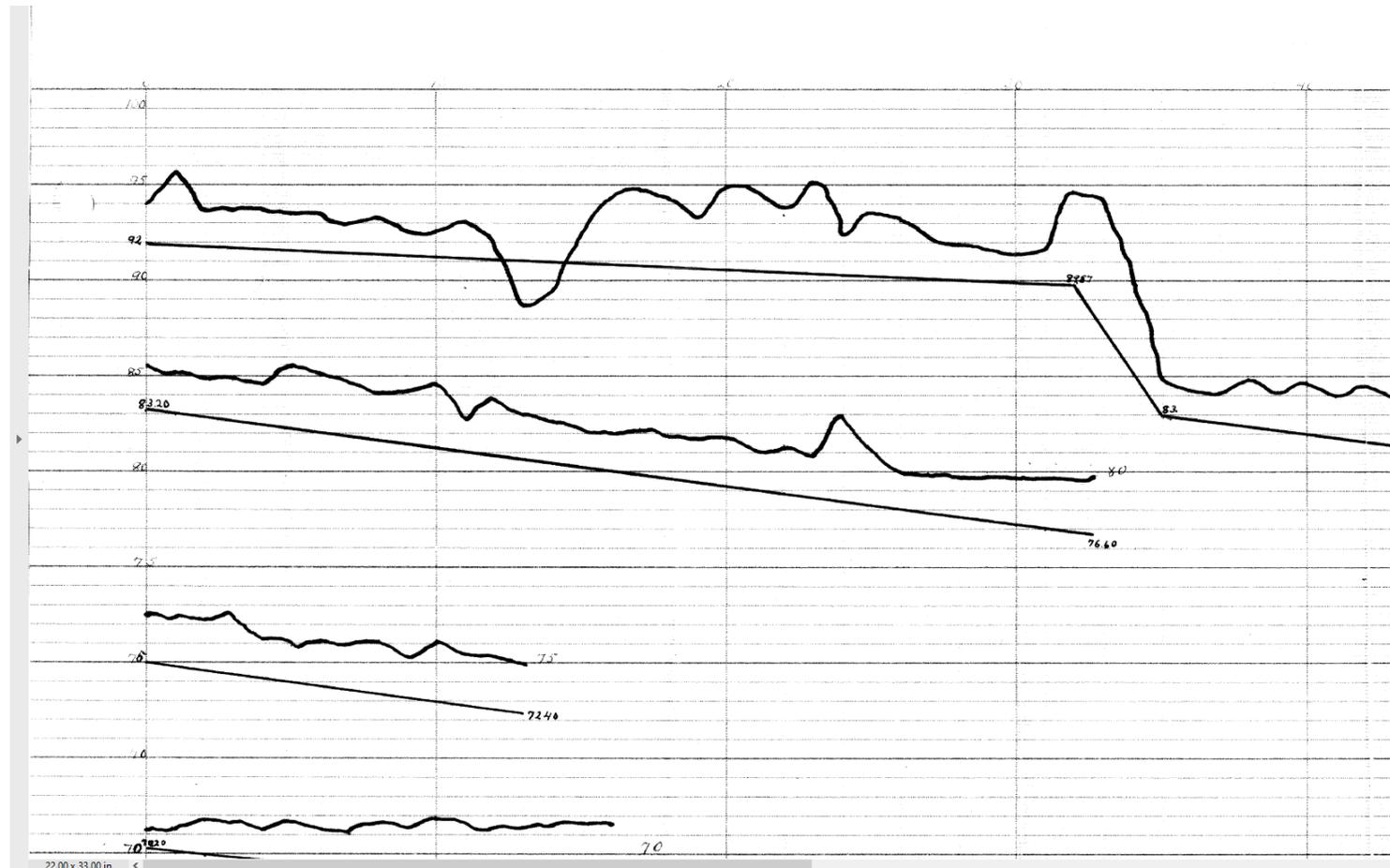


Because the road authority is responsible for the cost of correcting a culvert if the Drainage Authority orders the crossing an obstruction to the ditch, it is important for the Drainage Authority to understand the ditch elevation profile of the drainage system.

Why don't we know the elevation of the ditch?

- In 1904, an engineer was hired to design the ditch construction

Elevations on engineer's profile reference a benchmark in the field that was set in 1904.



Without knowing what or where the benchmark used to create the 1904 profile is, there is no method to translate the original work to 2021.

Who is responsible for the channel making up the drainage system and the culverts within the ditch?

- The Stearns County Drainage Authority is required by Minnesota law to inspect County Ditch 10.
- CD10 has not been maintained in a long time.
- Stearns County has a legal obligation to maintain the ditch system.
- As part of the CD10 inspection and motivated by Stearns County Highway road work, county staff is proposing an engineering project to reestablish the legal elevation profile and right of way of CD10.
- The Drainage Authority is responsible for the drainage system. The road authority is responsible for the crossing (culverts).

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 benefited property owners.

What is a ditch repair?

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



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 access 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 CD10 Drainage System and its benefited landowners.

Re-establishment Project Summary

- The next step is to solicit public feedback, review this input, and evaluate whether or not to ask the County Board acting as the CD10 Drainage Authority to consider approving an engineer's reestablishment of records project.
 - If approved at a future Board of Commissioners meeting, the reestablishment project of the ditch system would move forward
- Houston Engineering cost:
 - Engineers Reestablishment Report - \$20,000
 - Stearns County field staff collects survey field data to support the project. This work saves on vendor costs which lowers property owner financial impact.

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



A decision will be made whether to propose a project to The Stearns County Commissioners a decision about whether to proceed with any projects at a later date.



Visit CD10 project website

<https://gis.co.stearns.mn.us/Ditches/CD10/CD10.html>



Please share your thoughts by:



Fill out digital survey <https://arcg.is/1PSj800>



Write a letter or email