

Aitkin County Board of Commissioners
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: June 3, 2014

Via: Roxy Traxler, Interim County Administrator

From: Kirk Peysar, County Auditor

Title of Item:

Petition for Partial Abandonment of drainage systems (M.S. 103E.806)

Requested Meeting Date: 6/10 Estimated Presentation Time: 5 mins

Presenter: Kirk Peysar, County Auditor

Type of Action Requested (check all that apply)

- For info only, no action requested
- For discussion with possible action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute _____
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) _____

Fiscal Impact (check all that apply)

- Is this item in the current approved budget? Yes _____ No _____ (attach explanation)
- What type of expenditure is this? Operating Capital Other (attach explanation)
- Revenue line account # that funds this item is: _____
- Expenditure line account # for this item is: _____

Staffing Impact (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected. Yes No
- Applicable job description(s) may require revision. Yes No
- Item may impact a bargaining unit agreement or county work policy. Yes No
- Item may change the department's authorized staffing level. Yes No



Supporting Attachment(s)

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) petition

Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.

Kirk Peysar
Aitkin County Auditor
Aitkin County Courthouse
209 2nd Street NW – Room 202
Aitkin, MN 56431
Phone: (218) 927-7354
Email: kpeysar@co.aitkin.mn.us

Date: June 3, 2014

To: Aitkin County Board of Commissioners

From: Kirk Peysar, County Auditor 

Re: Petition for Partial Ditch Abandonment of a Drainage System
(Involving County Ditch 4 and County Ditch 38)

At Tuesday's Board meeting, I will be requesting that a date and time be set for a public hearing for hearing the requests for Partial Ditch Abandonment of a Drainage System pursuant to Minnesota Statute 103E.806, Subdivision 3.

A notice by mail is required to be given to property owners benefited by these systems as well as publication or web posting. In order to give agencies adequate time to respond, I suggest July 22nd, 2014 at 10:30a.m. for the hearing.

If you have any questions prior to Tuesday's meeting, please give me a call.

Thank you.



U. S. Steel Corporation
Minnesota Ore Operations
P.O. Box 217
Keewauwin, MN 55753

March 31, 2014

Mr. Kirk Peysar
Aitkin County Auditor
209 2nd Street NW
Room 202
Aitkin, MN 5643-1292

**RE: Petition for Partial Ditch Abandonment of a Drainage System
within Sections 27, 28, 32, 33 and 34 of Workman Township (T.49N.-R.24W.)
Aitkin County, Minnesota**

Dear Mr. Peysar:

United States Steel Corporation (U. S. Steel) is submitting this petition for ditch abandonment at the locations referenced above pursuant to Minnesota Statute 103E.806, "*Partial Abandonment of a Drainage System.*" Per Minnesota Statutes 2010 103E.806, this petition is being filed with the Aitkin County Auditor.

This ditch abandonment request is a part of U. S. Steel's wetland mitigation project where many miles of private and Fire Relief Commission (FRC) ditches flow through the mitigation site. The project site encompasses approximately 1,416 acres owned by U. S. Steel. Note that all ditch assessments and historical ditch liens have been recently removed and recorded for the entire agricultural property.

Please review the regulatory ditch map showing what U. S. Steel believes to be the original Ditch Authority's ditching system (including a ditch section that no longer exists on the NE corner of Section 34 that would still have to be abandoned). The mapping is based on field conversations conducted during a June 26, 2013 site visit between Hatch Mott McDonald (HMM), U. S. Steel staff and John Welle. The map also shows private ditches that have been altered, and re-piped resulting in the present day conditions.

Based on a July 15th, 2013 email from John Welle to U. S. Steel's consultant, HMM, the County likely does not have authority over the FRC ditches shown on the map. U. S. Steel will take ownership of these ditches along with the private ditches until further notice.

U. S. Steel is requesting permission to abandon the following ditch segments, which are further described in the attached supporting documents:

- Section 27: The segment of CD-4 bounding the west side of the SW quadrant.
- Section 28: The segment of CD-4 bounding the east side of the SE quadrant of the SE quadrant.
The segment of CD-4 & FRC-B bounding the entire south side of the Section.
The segment of CD-4 bounding the west side of the SW quadrant of the SW quadrant.
- Section 32: The segment of FRC-A bounding the north side of the Section, except the NW quadrant of the NW quadrant. Note that this description includes the ditch segment along the north side of the NE quadrant of the NE quadrant of Section 32, which appears to be a private ditch, as it is excluded from the County system in available County mapping. The local segment of FRC-A that drains through into CD-38.
The segment of CD-38 along the south side of the north half of the Section, except the SW quadrant of the NW quadrant.
The segment of CD-38 along the east side of the north half of the Section.
- Section 33: The segment of CD-38 along the west side of the north half of the Section.
The segment of CD-4 & FRC-B bounding the entire north side of the section.
The segment of CD-4 & FRC-B bounding the east side of the north half of the section.
- Section 34: The segment of CD-4 & FRC-B bounding the entire west side of the Section.
The segment of CD-4 along the south side of the NE quadrant.
The segment of CD-4 along the entire north side of the south half of the Section.

U. S. Steel is also planning to abandon the following private ditches, which are not under the jurisdiction of the County ditch authority:

- Section 27: The ditch segment bounding the south side of the SW quadrant.
The N/S-oriented ditch segment dividing the SW and SE quadrants of the SW quadrant.
- Section 28: The N/S-oriented ditch segment dividing the SW and SE quadrants of the SE quadrant.
- Section 32: The N/S-oriented ditch segment dividing the east and west halves of the NW quadrant.

The ditch segment bounding the north side of the NE quadrant of the NE quadrant. (This is the segment through which the local segment of FRC-A drains into CD-38, as mentioned above).

Section 34: The ditch segment bounding the north side of the NW quadrant.

The E/W-oriented ditch segment dividing the NW and SW quadrants of the NE quadrant.

The ditch segments bounding the east and south sides of the south half of the Section.

Should there be any questions about this submittal or if you require additional information, please contact me at (218) 778-8672 or via email at tmmuck@uss.com

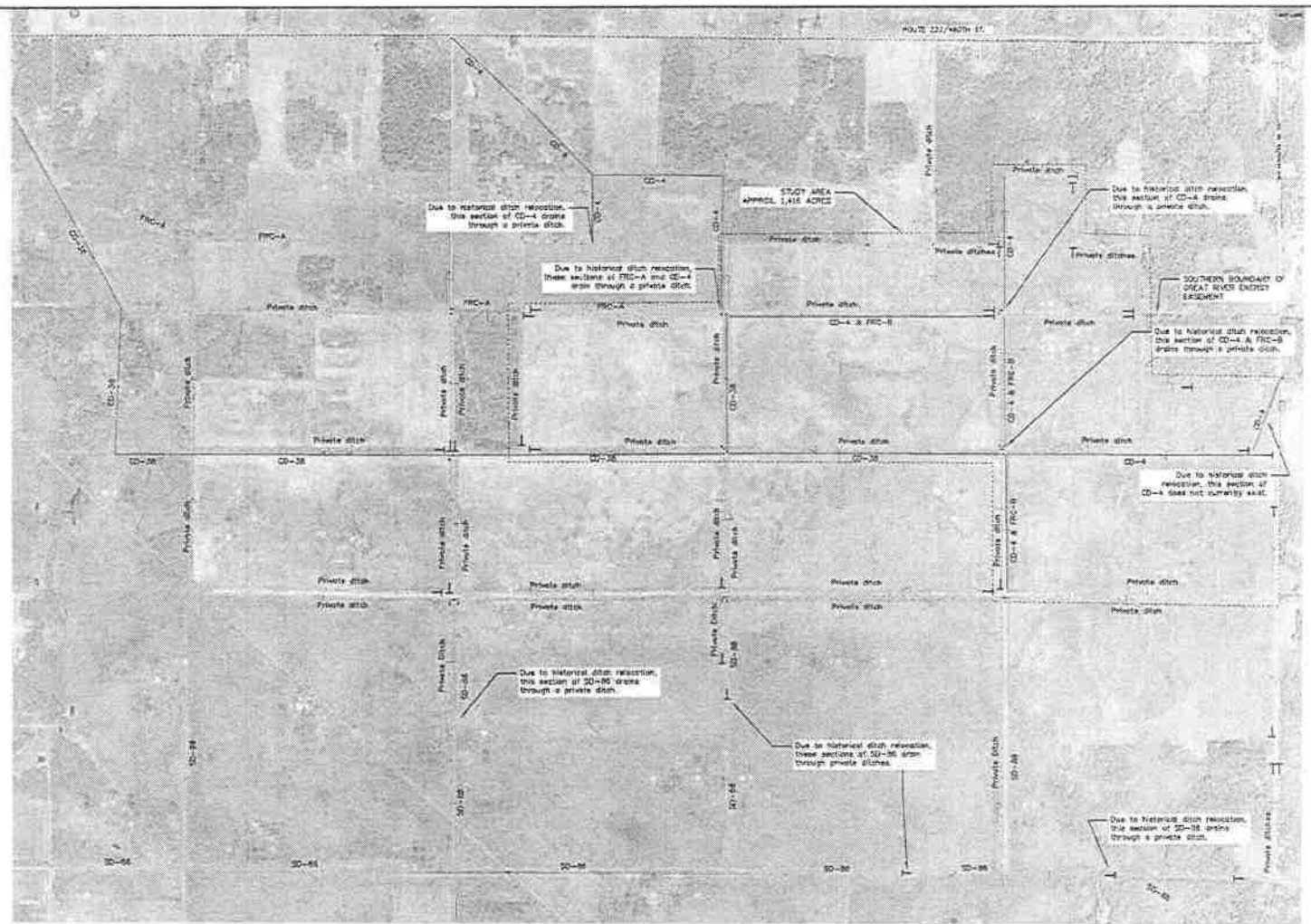
Sincerely,



Tracy M. Muck
Minnesota Ore Operations
United States Steel Corporation

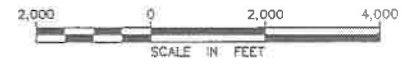
cc: John Welle, Aitkin County Engineer
Nathan Campbell, U. S. Army Corps of Engineers
Barbara Walther, U.S. Army Corps of Engineers
Tim Smith, U.S. Army Corps of Engineers
Chrissy Bartovich, U. S. Steel
Josh Zika, U. S. Steel

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LEGEND:

- COUNTY-REGULATED DITCH
- STATE-REGULATED DITCH
- - - PRIVATE UNREGULATED DITCH
- FIRE RELIEF COMMISSION DITCH FRC-A
- CULVERT
- TERMINUS
- ▽ DITCH FLOW DIRECTION



U. S. STEEL CORPORATION AITON COUNTY, MINNESOTA	
PALISADE WETLAND MITIGATION PROJECT 2013 DITCH CLASSIFICATION MAP	
FIGURE 4	
23373440	Date
Title	Date
Author	Date
Checked	Date
Reviewed	Date
Approved	Date
Contract No.	

103E.806 PARTIAL ABANDONMENT OF A DRAINAGE SYSTEM.

Subdivision 1. **Petition.** After construction of a drainage system, an owner of benefited property may petition the drainage authority to abandon any part of the drainage system that is not of public benefit and utility and does not serve a substantial useful purpose to property remaining in the system.

Subd. 2. **Filing.** If the drainage system is under the jurisdiction of a county drainage authority, the petition must be filed with the auditor of the county. If the drainage system is under the jurisdiction of a joint county drainage authority, the petition must be filed with the county having the largest area of property in the drainage system, where the primary drainage system records are kept. If the system is under the jurisdiction of a watershed district, the petition must be filed with the secretary of the district.

Subd. 3. **Hearing.** (a) When the petition is filed, the drainage authority, in consultation with the auditor or the secretary, shall set a time and location for a hearing on the petition and shall give notice of the hearing by mail to the owners of all property benefited by the drainage system, and either in a newspaper of general circulation within the affected drainage area or by publication on a Web site of the drainage authority.

(b) At the hearing, the drainage authority shall make findings and direct, by order, that part of the drainage system be abandoned, if the drainage authority determines that part of the drainage system does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of a substantial public benefit and utility.

Subd. 4. **Effect of partial abandonment.** After partial abandonment of a drainage system, a repair petition may not be accepted for the abandoned part of the drainage system and the responsibility of the drainage authority for that part of the drainage system ends.

Subd. 5. **Liens and assessments on property involved in partial abandonment.** An order under this section does not release the property from a drainage lien filed on account of the drainage system before the date of the order. An order under this section does not release the property from any assessment or a drainage lien filed on or after the date of the order for costs incurred on account of the drainage system before the date of the order.

History: 2010 c 298 s 9