

ST. LOUIS COUNTY DRAINAGE AUTHORITY

AGENDA

August 2, 2022

Immediately following the County Board meeting.

1. Call to order/roll call
2. Minutes for June 28, 2022
3. Drainage Authority Letter No. 22-02 and Proposed Resolution Regarding Reestablishment of Records – Public Hearing
4. Drainage Authority Letter No. 22-03 and Proposed Resolution Regarding Petition for Partial Abandonment – Public Hearing
5. Drainage Authority Letter No. 22-04 and Proposed Resolution Regarding Petitioner’s Request for Attorneys’ Fees
6. Other business
7. Adjourn

**ST. LOUIS COUNTY DRAINAGE AUTHORITY
PROCEEDINGS**

Tuesday, June 28, 2022

The St. Louis County Drainage Authority meeting was called to order at 10:32 a.m., by Chair Keith Nelson in the Culver Town Hall, Brookston, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Ashley Grimm, Paul McDonald, Keith Musolf, Mike Jugovich, and Chair Keith Nelson - 7. Absent: None - 0.

Commissioner McDonald, supported by Commissioner Jugovich, moved to approve the minutes of the June 22, 2021, St. Louis County Drainage Authority meeting. The motion passed; seven yeas, zero nays.

Commissioner Jugovich, supported by Commissioner Boyle, moved that the St. Louis County Board of Commissioners, acting in the capacity of the County Drainage Authority, hereby sets a public hearing regarding Records Reestablishment, Petition for Partial Abandonment, and Petitioner's request for repayment of attorney fees related to the Petition to Repair County Ditch #4 to occur on August 2, 2022, immediately following the regular meeting of the St. Louis County Board of Commissioners at the St. Louis County Courthouse, Duluth, MN. St. Louis County Deputy Public Works Director Brian Boder said they are proposing several abandonments that will reduce miles of ditch and reduce costs and they will look at wetland credits in the future. After further discussion, the motion passed; seven yeas, zero nays. Resolution No. 22-01

COUNTY DRAINAGE AUTHORITY RESOLUTION NO. 22-01

BY COMMISSIONER JUGOVICH:

WHEREAS, Pursuant to Minn. Stat. § 103E, the St. Louis County Board is required to convene as the County Drainage Authority to discuss and approve pending matters related to county ditches; and

WHEREAS, The County Drainage Authority received a petition for the repair of County Ditch #4; and

WHEREAS, The County Drainage Authority subsequently ordered the Reestablishment of Records for County Ditch #4; and

WHEREAS, The County Drainage Authority has received an Engineer's Report regarding Reestablishment of Records for County Ditch #4; and

WHEREAS, The County Drainage Authority received a petition for Partial Abandonment of County Ditch #4; and

WHEREAS, Petitioner Tom Horvath has requested reimbursement of attorney's fees related to the Petition to Repair County Ditch #4; and

WHEREAS, Minn. Stat. § 103E.645, Subd. 5, provides for repayment of attorney's fees in these circumstances; and

WHEREAS, Minn. Stat. § 103E requires that the County Drainage Authority hold a hearing on these matters; and

WHEREAS, It is desired that the County Drainage Authority establish a public hearing regarding Reestablishment of Records, Petition for Partial Abandonment, and Petitioner's request for repayment of attorney fees related to the Petition to Repair County Ditch #4 to occur on August 2,

2022, immediately following the regular meeting of the St. Louis County Board of Commissioners at the St. Louis County Courthouse, Duluth, MN.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners, acting in the capacity of the County Drainage Authority, hereby sets the public hearing regarding Records Reestablishment, Petition for Partial Abandonment, and Petitioner's request for repayment of attorney fees related to the Petition to Repair County Ditch #4 to occur on August 2, 2022, immediately following the regular meeting of the St. Louis County Board of Commissioners at the St. Louis County Courthouse, Duluth, MN..

Unanimously adopted June 28, 2022.

At 10:43 a.m., June 28, 2022, Commissioner Boyle, supported by Commissioner McDonald, moved to adjourn the meeting. The motion passed; seven yeas, zero nays.

Keith Nelson, Chair of the Drainage Authority

Phil Chapman, Deputy Auditor/Clerk of the County Board

COUNTY DRAINAGE AUTHORITY NO. 22 – 02

DATE: August 2, 2022 **RE:** Public Hearing,
Reestablishment of Records
for County Ditch #4

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

To provide a safe, well maintained ditch system as required by Minn. Stat. §103E.

ACTION REQUESTED:

It is requested that the County Drainage Authority review, receive testimony on, and approve the Engineer's Report regarding Reestablishment of Records for County Ditch #4.

BACKGROUND:

On January 7, 2020, attorney John Kolb, on behalf of Petitioners Tom Horvath and Ed Nelson, submitted a petition to repair St. Louis County Ditch #4 under Minn. Stat. §103E.715, a copy of which is attached to this letter.

St. Louis County Ditch #4 was constructed more than 100 years ago and likely needs repair. However, prior to any determinations and recommendations for repair it was determined by the Drainage Authority in June 2021, that current drainage records were inadequate as they have been lost, destroyed, or are otherwise incomplete and required reestablishment. Public Works was tasked with securing engineering services to provide the Reestablishment of Records pursuant to Minn. Stat. §103E.101.

In July 2021, Houston Engineering Inc. was awarded an all-inclusive four (4) phased and progressive contract to perform Reestablishment of Records, Partial Abandonment review, Repair Report, and preparation of plans and specifications as directed by the Drainage Authority. Houston Engineering with oversight from Public Works has completed the Engineer's Report associated with Reestablishment of Records for County Ditch #4.

The Engineer's Report defines the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, elevations, and right-of-way of County Ditch #4 as originally constructed. During this process, Houston Engineering identified multiple segments of the system not providing public benefit and recommended their abandonment. In conjunction with Public Works, Houston Engineering determined a full engineering report regarding segments proposed for abandonment was not necessary

and would likely be a waste of drainage system funds. Rather, Houston Engineering determined original alignment of the segments likely to be abandoned.

County Ditch #4 is comprised of sixty-five and nine-tenths miles (65.9) of ditch. Thirty-four and seven-tenths miles (34.7) are being recommended for abandonment due to not providing public benefit or serving a substantial useful purpose to property remaining in the system. If the proposed abandonments are approved the total length of the County Ditch #4 system would be thirty-one and two-tenths miles (31.2). However, prior to any abandonments taking place Reestablishment of Records for all of County Ditch #4 must take place, with the caveat regarding extent of records reestablished for segments likely to be abandoned. Should the Drainage Authority ratify the records contained in the Engineer's Report, such records will constitute the official County Ditch #4 records.

Immediately following the hearing on Reestablishment of Records for County Ditch #4, a public hearing is set regarding partial abandonment of the aforementioned 34.7 miles. A separate Drainage Authority Letter and Proposed Resolution has been submitted regarding partial abandonment. If any of the segments proposed for abandonment ultimately remain in the system Houston Engineering will be tasked with completion of full reestablishment of records for those segments.

The Drainage Authority in conjunction with the St. Louis County Auditor set this Public Hearing to take place per Drainage Authority Resolution No. 22-01 adopted on June 28, 2022. The required notice of this hearing was mailed on July 6, 2022, to the Commissioner of Natural Resources, the executive director of the Board of Water and Soil Resources, Petitioners, and all owners benefited or damaged by the drainage system. Notice was also placed on St. Louis County bulletin boards and the County website on July 6, 2022. Notice was published in the Duluth News Tribune on July 9, 2022.

RECOMMENDATION:

It is recommended that the St. Louis County Drainage Authority adopt the records for County Ditch #4 as reestablished and set forth in the Engineer's Report from Houston Engineering.

Hearing on County Ditch #4 Reestablishment of Records

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. §103E, the St. Louis County Board is required to convene as the County Drainage Authority to discuss and approve pending matters related to county ditches; and

WHEREAS, The County Drainage Authority received a petition for the repair of County Ditch #4; and

WHEREAS, The County Drainage Authority subsequently ordered the Reestablishment of Records pursuant to Minn. Stat. §103E.101 for County Ditch #4; and

WHEREAS, The County Drainage Authority has received an Engineer's Report regarding Reestablishment of Records for County Ditch #4; and

WHEREAS, Minn. Stat. §103E requires that the County Drainage Authority hold a hearing on these matters; and

WHEREAS, The County Drainage Authority, on this day, held a public hearing and heard testimony from Houston Engineering and all others regarding Reestablishment of Records for County Ditch #4.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, acting in the capacity of the County Drainage Authority, hereby accepts and approves the official records for County Ditch #4 the records as reestablished in the Engineer's Report submitted by Houston Engineering, contained in Drainage Authority File No.

_____.

RESOLVED FURTHER, That all costs associated with reestablishing records for County Ditch #4 shall be assessed against those lands benefitted as set forth in Minn. Stat. §103E.

STATE OF MINNESOTA

**SAINT LOUIS COUNTY BOARD OF COMMISSIONERS, DRAINAGE AUTHORITY FOR SAINT LOUIS
COUNTY DITCH 4**

In the matter of the Repair of Saint Louis
County Ditch 4

Petition for Repair (Minn. Stat. §103E.715)

For their petition for the repair of St. Louis County Ditch 4 (hereinafter "CD 4"), the undersigned Petitioners state and allege the following:

1. Petitioners file this petition for the repair of portions of CD 4 pursuant to statutes section 103E.715.
2. CD 4 provides beneficial drainage to agricultural properties and Township and County roads in Sections 25, 26, 35 and 36 of W. Toivola Township (Township 54 N, Range 20 W); Sections 31 and 32 of E. Toivola Township (Township 54 N, Range 19 W); Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36 of Elmer Township (Township 53 N, Range 20 W); Sections 5, 6, 7, 8, 17, 18, 19, 20, 21, 30 and 31 of Meadowlands Township (Township 53 N, Range 19 W); Sections 6 and 7 of Ness Township (Township 52 N, Range 19 W); and Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 26 and 27 of Van Buren Township (Township 52 N, Range 20 W) of St. Louis County, Minnesota.
3. Portions of CD 4 are in need of repair.
4. CD 4 has remained in service since its original construction in 1915-1916.
5. CD 4 consists of a main open ditch with numerous branch and lateral ditches running through and adjacent to the sections of land described in paragraph 2, above.

6. A diagram of the ditch alignment and approximate benefitted area is attached as **Exhibit A**.
7. Following the establishment of CD 4, benefitted lands were assessed for the costs of construction of the ditch. The assessments and liens therefore are reflected in the property abstracts of the affected properties.
8. Additional expenditures on CD 4 were paid from subsequent assessments to benefitted properties. These subsequent assessments are reflected in liens recorded against the benefitted properties.
9. In about 2003, St. Louis County commissioned an inspection of CD 4. The inspection report, styled as a ditch study dated May 28, 2003, noted extensive deterioration of CD 4 along with specific locations of ditch obstruction and bank and slope deterioration.
10. The petitioners herein confirm the extensive deterioration of the ditch and add their observations that (1) the majority of the channel alignment in Sections 6, 18 and 19 of Meadowlands Township (Township 53 N, Range 19 W), and Sections 1, 2, 11, 12, 13, 14, 23 and 24 of Elmer Township (Township 53 N, Range 20 W), is obstructed with vegetation; and (2) numerous private public crossings on CD 4 have been installed either with insufficient hydraulic capacity or at elevations above the originally constructed ditch grade.
11. Notwithstanding the 2003 inspection and numerous landowner requests that CD 4 be repaired, the County, in its role as drainage authority, has not taken action to restore CD 4, as nearly as practicable, to the same hydraulic capacity as originally constructed.

12. Minnesota Statutes, section 103E.705 places an affirmative obligation on St. Louis County to inspect and maintain CD 4, stating:

After the construction of a drainage system has been completed, the drainage authority shall maintain the drainage system that is located in its jurisdiction . . . and provide the repairs necessary to make the drainage system efficient. The drainage authority shall have the drainage system inspected on a regular basis by an inspection committee of the drainage authority or a drainage inspector appointed by the drainage authority. Open drainage ditches shall be inspected at a minimum of every five years . . .

13. Upon information and belief, the petitioners allege that St. Louis County has not fulfilled its statutory obligations, to wit: The County has not regularly inspected CD 4 as required, nor has the County maintained CD 4 and provided the repairs necessary to make the drainage system efficient.

14. Minnesota Courts have recognized that the establishment of a drainage system, and the assessment of the costs therefore, establish in the affected lands, a property interest in the drainage system:

A landowner assessed for benefits in a public drainage system has a vested property right in the maintenance of the ditch in the same condition as it was then originally established. The landowner is entitled to have all of the conditions upon which a drainage system is based, as well as the ditch itself, maintained so that the system will function substantially as established. Fischer v. Town of Albin, 104 N.W.2d 32, 33-35 (Minn. 1960).

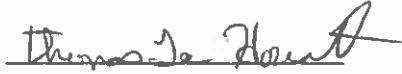
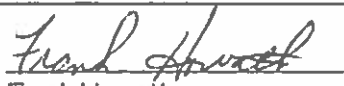
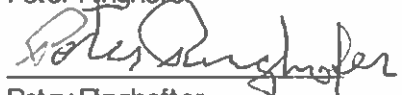

15. Minnesota Courts have recognized that a failure of a drainage authority to fulfill its statutory obligations might result in liability to the drainage authority for damages resulting from such failure. Blaine v. City of Sartell, 865 N.W.2d 723 (Minn. Ct. App. 2015).

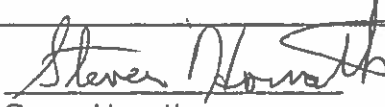

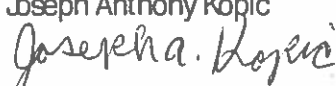
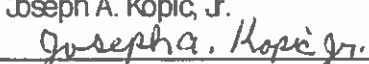

16. Any individual or an entity interested in or affected by a drainage system may file a petition to repair the drainage system. The petition must state that the drainage system needs repair.
17. The petitioners herein are all owners of property interested in or affected by CD 4 in the vicinity of the proposed repairs.
18. The petitioners request that the St. Louis County Board of Commissioners, drainage authority for CD 4, follow the procedures outlined in statutes section 103E.715 for the repair of the deteriorated and obstructed portions of CD 4 in Sections 6, 7, 18 and 19 of Meadowlands Township (Township 53 N, Range 19 W), and Sections 1, 2, 11, 12, 13, 14, 23 and 24 of Elmer Township (Township 53 N, Range 20 W).
19. Petitioners have hired Rinke Noonan to represent them in the improvement proceedings and request the legal costs of Petitioners' attorney be paid as provided in statutes section 103E.645.
20. This Petition may be signed in counterparts.

Respectfully submitted by:

(Signature Pages to Follow)

Signature page(s) for the Petition to repair St. Louis County Ditch 4

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
<p>_____</p> <p>James Nemeec</p> <p>_____</p> <p>Patricia Nemeec</p>	NW1/4 OF SW1/4	10	53	19	8125 North Dart Rd. Meadowlands, MN 55765	_____
<p></p> <p>Thomas Lee Horvath</p> <p>_____</p> <p>Cynthia Horvath</p>	LOT 5	6	53	19	7984 Highway 5 Meadowlands, MN 55765	<u>12-17-19</u>
<p></p> <p>Frank Horvath</p> <p>_____</p> <p>Darlene Horvath</p>	W1/2 OF SE1/4	6	53	19	10522 Bailey Road Meadowlands, MN 55765	<u>12-17-19</u>
<p>_____</p> <p>Richard Ringhofer</p>	SE1/4 OF SE1/4	6	53	19	c/o Peter & Betsy Ringhofer 7879 Elmer Road Meadowlands, MN 55765	_____
<p>_____</p> <p>Peter Ringhofer</p> <p></p> <p>Betsy Ringhofer</p>	S1/2 OF N1/2 OF SW1/4	8	53	19	7879 Elmer Road Meadowlands, MN 55765	<u>12-17-19</u>
<p></p> <p>Michael Walzak</p> <p>_____</p> <p>Rebecca Walzak</p>	SW1/4 OF SW1/4 EX2 ACAT SW CORNER	13	53	20	10853 Hwy. 133 Meadowlands, MN 55765	<u>12-21-19</u>

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
<hr/> Chadwick White <hr/> Brenda White	N1/2 OF S1/2 OF NW1/4 EX W1/2 OF W1/2	8	53	19	7990 Elmer Road Meadowlands, MN 55765	<hr/> <hr/>
<hr/> Darren Turnboom <hr/> Melonie Turnboom	SW1/4 OF NW1/4	13	53	20	7820 N. Kingfisher Rd Meadowlands, MN 55765	<hr/> <hr/>
 <hr/> Seven Horvath <hr/> Jane Horvath	SE1/4 OF NE1/4	11	53	20	8001 Condor Rd. Meadowlands, MN 55765	<hr/> Dec 17/19 <hr/>
<hr/> James Walzak  Kathleen Walzak	SE1/4 OF SE1/4	11	53	20	7925 N. Kingfisher Rd Meadowlands, MN 55765	<hr/> <hr/>
<hr/> Joseph Anthony Kopic  Joseph A. Kopic, Jr. 	S1/2 OF LOT 2 & N1/2 OF SE1/4 OF SW1/4 SW1/4 OF SW1/4	18	53	19	10494 Highway 133 Meadowlands, MN 55765	<hr/> 12/17/19 <hr/> <hr/> 12/17/19 <hr/>
 <hr/> Anthony Kozumplik <hr/> Lynette Kozumplik	S1/2 OF NE1/4 S1/2 OF SW1/4 OF NE1/4 SE1/4 OF NE1/4	13	53	20	7791 Highway 5 Meadowlands, MN 55765	<hr/> 12-17-19 <hr/> <hr/>

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
_____ Brian Alberg	S1/2 OF N1/2 OF SE1/4	11	53	19	P.O. Box 51 Meadowlands, MN 55765	_____
_____ Anthony J. Kozumplik	NE1/4 of NW1/4	18	53	19	7807 Hwy. 5 Meadowlands, MN 55765	_____
_____ Anthony Kozumplik Jr.	PART OF LOT 6 BEG AT NW CORNER OF S1/2 THENCE S 300 FT THENCE E 300 FT THENCE N 300 FT THENCE W 300 FT TO POINT OF BEG	17	53	19	7764 Elmer Road Meadowlands, MN 55765	_____
_____ Scott Horvath	SW1/4 OF SW1/4	5	53	19	10477 Bailey Road Meadowlands, MN 55765	_____
_____ Richard Makela _____ Patricia Makela _____ Wilfred Makela	NE/4 of NW/1/4	12	53	20	8051 Condor Rd. Meadowlands, MN 55765	_____ _____
_____ Dustin Peterson _____ Rebecca Peterson	NW1/4 OF SE1/4 OF SE1/4	7	53	19	7938 Highway 5 Meadowlands, MN 55765	_____ _____

Owner Signature	Property Owned	Sec	Twp	Rg	Mailing Address	Dated
<hr/> Frank Kozumplik	SE1/4 OF SW1/4	24	53	20	7603 Condor Road Meadowlands, MN 55765	<hr/>
<hr/> Melissa Kozumplik						<hr/>

Technical Memorandum

To: Matthew Beyer
St. Louis County

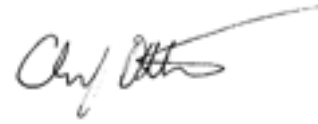
From: Chris Otterness, PE
Houston Engineering, Inc.

Subject: Reestablishment of St. Louis County
Ditch 4 Public Drainage System Record

Date: June 15, 2022

Project: 10641-0003

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am duly Licensed Professional Engineer under the laws of the State of MN.



6/15/2022

Christopher Otterness
Reg. No. 41961

Date

INTRODUCTION

The purpose of this report is to provide St. Louis County with the results of the investigation and analysis of the historical records pertaining to St. Louis County Ditch 4 (CD 4) public drainage system. CD 4 is an open channel system with approximately 67 miles of ditch located in Elmer, Meadowlands, Ness, Toivola, and Van Buren Townships.

This report contains the necessary description of the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, elevations, and right-of-way of the drainage system to reestablish records, as requested by the Board of Commissioners. Minnesota Statute 103E.101 Subd. 4a allows for the drainage authority to reestablish records if, after an investigation of drainage system records, it is found that the records establishing the alignment, cross-section, profile, or right-of-way of a drainage system are lost, destroyed, or otherwise incomplete. The drainage authority may, by order, reestablish records defining the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, elevations, and right-of-way of the drainage system that define the "As-Constructed and Subsequently Improved Condition," or ACSIC.

This report documents the investigation of drainage system records and physical investigation of the drainage system used by the engineer to recommend reestablished records to define the alignment, grade, and geometry as necessary to maintain the historic function of the drainage system. No other historical reviews or reviews of the as-constructed profile of this system are known to exist.

RELATIONSHIP TO DRAINAGE SYSTEM MAINTENANCE AND REPAIR

This memorandum establishes the ACSIC as the basis for future maintenance and repair of the public drainage system. A future repair report may include alternatives which adjust the elevation of the open channel and culverts consistent with the ACSIC. Additional actions such as realignment or abandonment of portions of the public system, or other similar modifications may also be considered and ultimately follow procedures in MS 103E. The range of alternatives evaluated within a repair report is based in part on discussions with landowners and other interested parties.

DEFINITIONS

This memorandum defines the condition and therefore by inference the capacity (i.e. the existing flow rate in cubic feet per second) of the public drainage systems using three definitions:

As-Designed / Established Condition: The geometry of the public drainage systems as designed in 1916 including all subsequent designs for legal repairs and alterations. A repair or alteration is considered legal if formally authorized in legal proceedings. The details of the As-Designed / Established condition are relatively unknown due to the scarcity of the original design plan and profiles that identify the dimensions, lengths, and grade elevations. The As-Designed / Established Condition may or may not reflect the As-Constructed and Subsequently Improved Condition and is generally shown on construction plans and engineering drawings.

As-Constructed and Subsequently Improved Condition: The geometry of the public drainage system as constructed in 1916 and 1917, including all subsequent legal repairs and alterations as well as other actions which maintain and are consistent with the general character and efficiency of the drainage systems. Often, survey data (and only rarely as-built drawings) show the alignment, grade and geometry (i.e., cross sectional area) of the existing public drainage system is altered from the As-Designed / Established Condition. The definition of As-Constructed and Subsequently Improved Condition (ACSIC) is intended to establish the condition to which the system can legally be repaired consistent with the definition in MS 103E.701, which states:

The term, "repair" means to restore all or a part of a drainage system, as nearly as practicable to the same hydraulic capacity as originally constructed and subsequently improved, including resloping of ditches and leveling of spoil banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system, and routine operations that may be required to remove obstructions and maintain the efficiency of the drainage system. "Repair" also includes:

- (1) incidental straightening of a tile system resulting from the tile-laying technology used to replace tiles; and
- (2) replacement of tiles with the next larger size that is readily available, if the original size is not readily available.

Available records provide limited information regarding the originally constructed alignment, grade (profile), and geometry (cross-section) of CD 4. Alterations to the public drainage system alignment, grade, and geometry from the As-Designed / Established Condition likely resulted from the use of less accurate survey methods and construction techniques than currently exist; inaccurate culvert and crossing installation; and a need to “fit” the drainage system to the existing topography. Alterations to the public drainage system that were not performed per the requirements of MS 103E (i.e., drainage law) or its predecessors are typically not considered part of the ACSIC. However, as the records are incomplete for nearly all actions/proceedings related CD 4, professional judgment is necessary to determine, based on the weight of evidence, which actions were most likely to have been legal completed to establish the ACSIC.

Repaired Condition: The condition to which the drainage authority repairs the public drainage system. If the capacity of the Repaired Condition exceeds the ACSIC, the work is considered an improvement under MS 103E and its predecessors. The County may decide for a variety of reasons to repair the public drainage system to some condition less than the As-Constructed and Subsequently Improved Condition.

Maintenance: There is no statutory distinction between the terms “maintenance” and “repair.” However, historically, drainage authorities have drawn a distinction between the two terms as a function of the scope of work performed for each. The primary difference between maintenance and repair is maintenance activities are generally completed at a select (more isolated) location or locations along portions of the public drainage system, rather than a drainage system-wide assessment, analysis, recommendation, or alteration that occurs in association with a repair proceeding.

Maintenance generally includes activities such as vegetation management, the removal of open channel and tile blockages (e.g., beaver dams, sediment), the replacement of tile ruptures, the installation of tile inlets and access manholes, the replacement of portions of a tile system, the stabilization and repair of slopes and spoil material, and the removal of sediment up to the repair condition. Maintenance also includes the resetting or resizing of culverts or other crossings which were inaccurately placed and result in the obstruction of the public drainage system. Maintenance activities are usually exempt from wetland permitting requirements under the Wetland Conservation Act and Section 404 of the Clean Water Act.

LOCATION, GENERAL DESCRIPTION AND HISTORY OF THE PUBLIC DRAINAGE SYSTEM

LOCATION

CD 4, shown in **Figure 1**, is a public drainage system consisting of approximately 65.9 miles of open-channel ditch. The ditch system is located in Sections 25 and 36 of Toivola Township (T54N, R20W); Sections 1-2, 11-12, 13-15, 22-27, and 35-36 of Elmer Township (T53N, R20W); Sections 5-8, 17-20,

30, and 31 of Elmer Township (T53N, R19W); Sections 1-2, 11-14, 22-24, and 26-27 of Van Buren Township (T52N, 20W); and Section 6 of Ness Township (T52N, R19W) in St. Louis County.

The public drainage system consists of a series of ditch segments arranged in a grid-like pattern. Historical documentation was insufficient for determining the naming system for the branches of CD 4 (as no documents from the establishment of the drainage system are known to exist), but the County adopted a labeling convention that divides the system into Mains and Laterals labeled with a three-character code. Mains run north-south, and Laterals run east-west. The numbering convention labels Mains from west to east, and Laterals from south to north. Sub-branches are given a letter code. Examples of the typical labeling convention are “M1A” and “L2B.”

CD 4 has several outlet points to Skunk Creek and the St. Louis River. The total surface drainage area contributing to the public drainage system is 24.4 mi². Typically, historical documents are consulted to determine the parcels benefitting from the ditch at the time of its establishment, but few records related to the establishment of CD 4 were available at the time of this analysis. St. Louis County provided mortgage records showing that approximately 26,525 acres (41.4 mi²) are considered lands benefitting from CD 4. The locations of the benefitted parcels and the area draining to CD 4 are shown in **Figure 2**.

SOURCE OF SURVEY DATA USED IN THIS ASSESSMENT

Survey data was collected in July 2021 and April 2022 to determine the existing location and grades of the existing public drainage system. All survey data collected is in the St. Louis County Coordinate System and North American Vertical Datum 1988 (NAVD 88).

EXISTING/CURRENT ALIGNMENT

The existing alignment of the CD 4 public drainage system was determined based on the project field survey and a review of available records, aerial imagery, state-wide LiDAR data and other historical evidence. The existing CD 4 open channel system is shown in **Figure 1**.

An undated County ditch map was obtained during this study, and it was used to determine the geometry of the CD 4 system. The map shows Branch M7 extending from the St. Louis River northward for 3.4 miles as a continuous ditch. However, a review of historical aerial imagery and site survey data showed that an approximately 1,400-foot segment of the ditch (east side of T53N, R19W, Section 7) was never constructed and has thus been excluded from the description of the alignment on **Figure 1**.

ESTABLISHMENT OF THE PUBLIC DRAINAGE SYSTEM

No documentation of the establishment of CD 4 could be located during this study. A 2003 ditch inspection report prepared by HEI indicates the ditch was constructed in 1916 and 1917, but no supporting information was located during this study to verify those dates of construction.

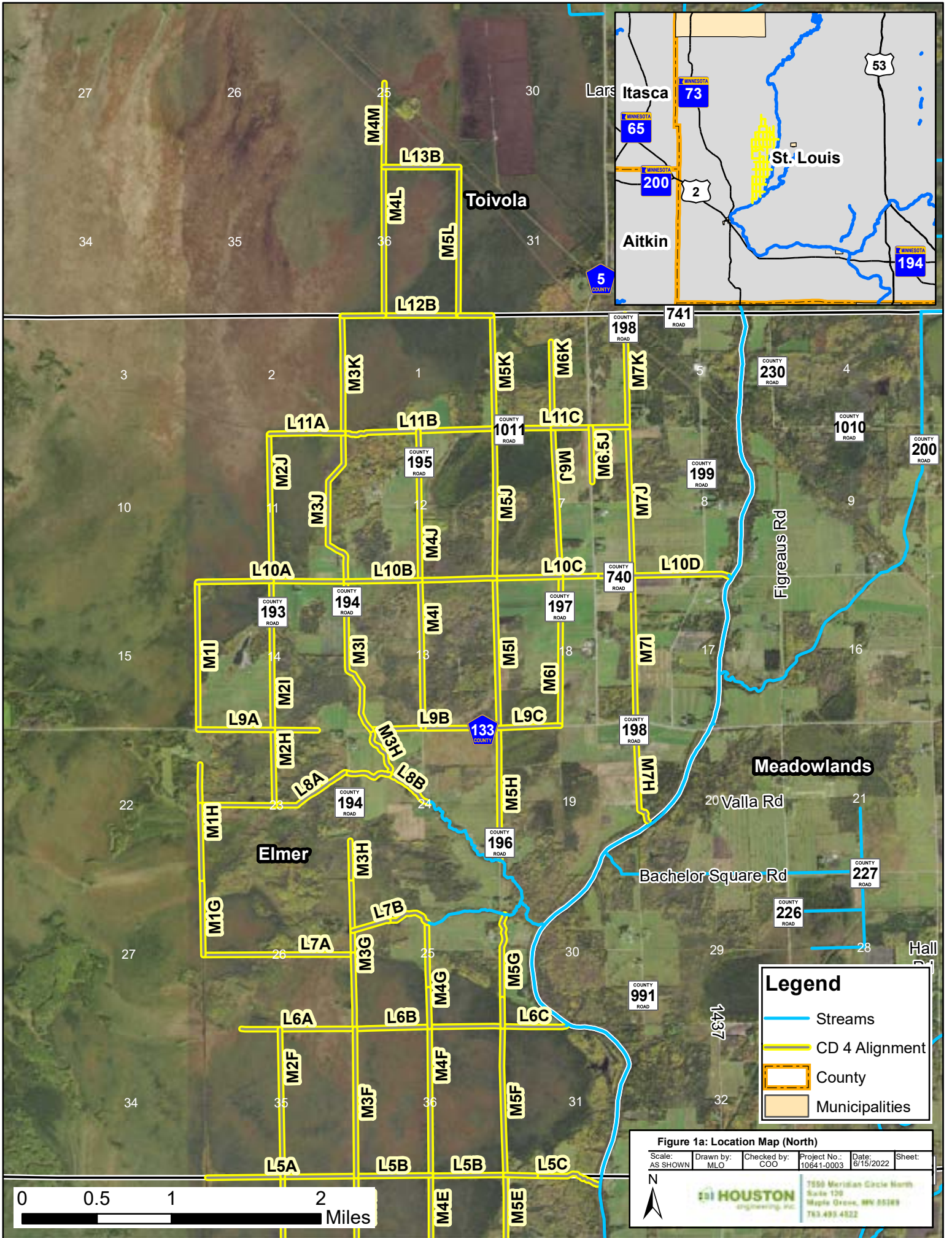
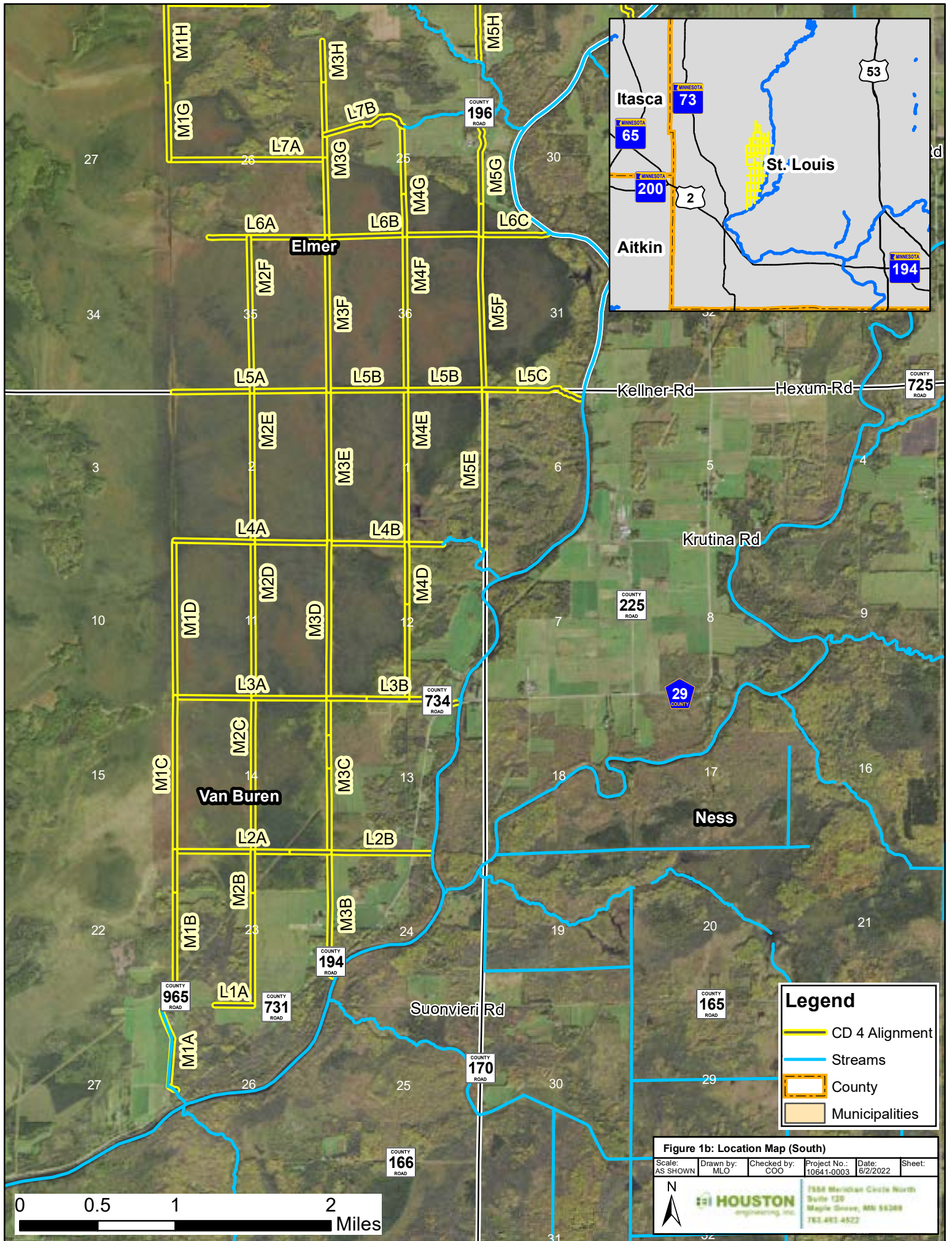


Figure 1a: Location Map (North)

Scale: AS SHOWN	Drawn by: MLO	Checked by: COO	Project No.: 10641-0003	Date: 6/15/2022	Sheet:
--------------------	------------------	--------------------	----------------------------	--------------------	--------

1550 Meridian Circle North
 Suite 120
 Maple Grove, MN 55189
 763.493.4522



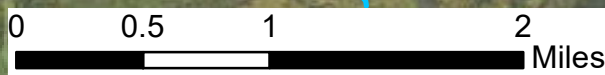
Legend

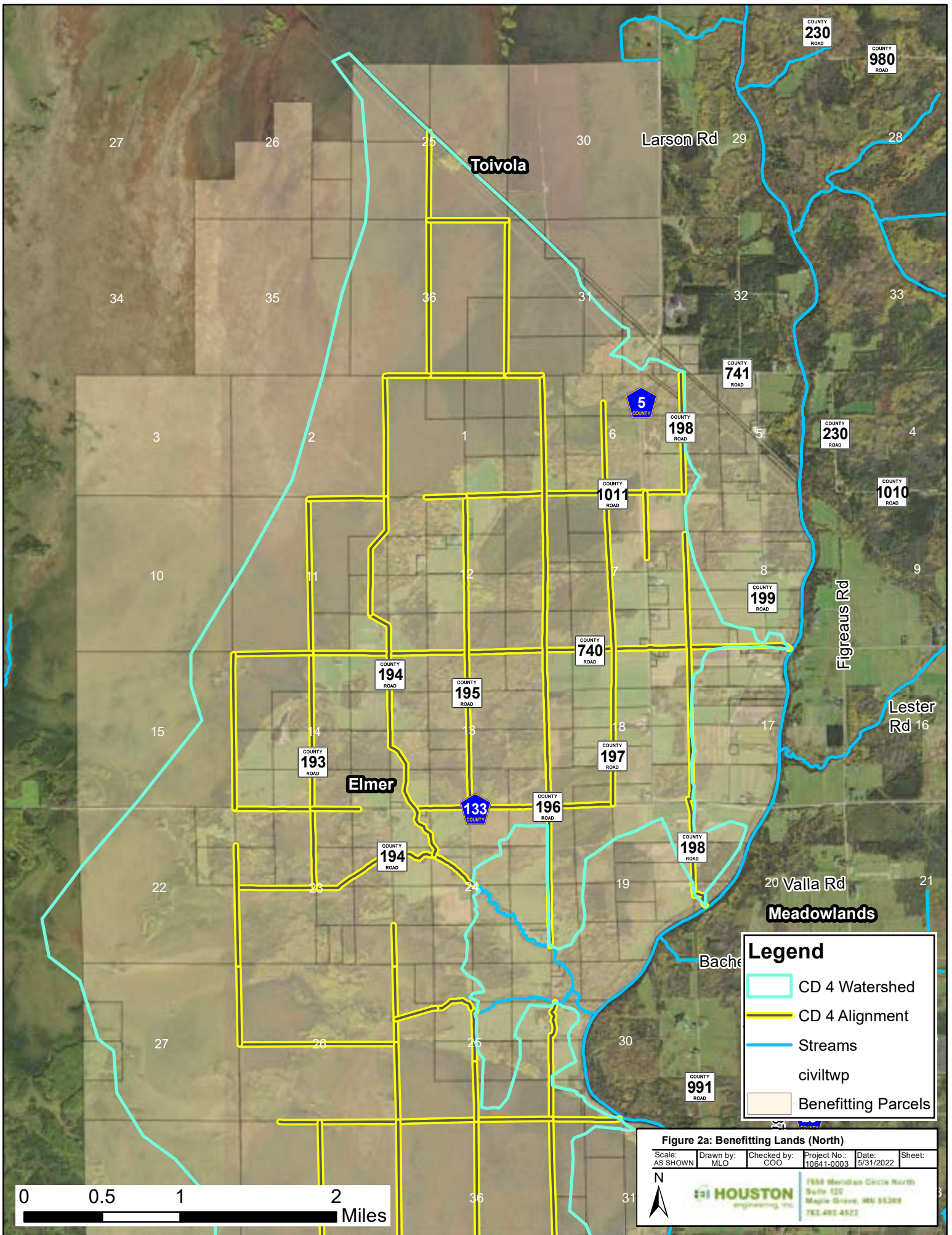
- CD 4 Alignment
- Streams
- County
- Municipalities

Figure 1b: Location Map (South)

Scale: AS SHOWN	Drawn by: MLO	Checked by: COO	Project No.: 10641-0003	Date: 6/2/2022	Sheet:
-----------------	---------------	-----------------	-------------------------	----------------	--------

HOUSTON
 engineering, inc.
 1558 Merchants Circle North
 Suite 130
 Maple Grove, MN 55369
 763.493.4522






Legend

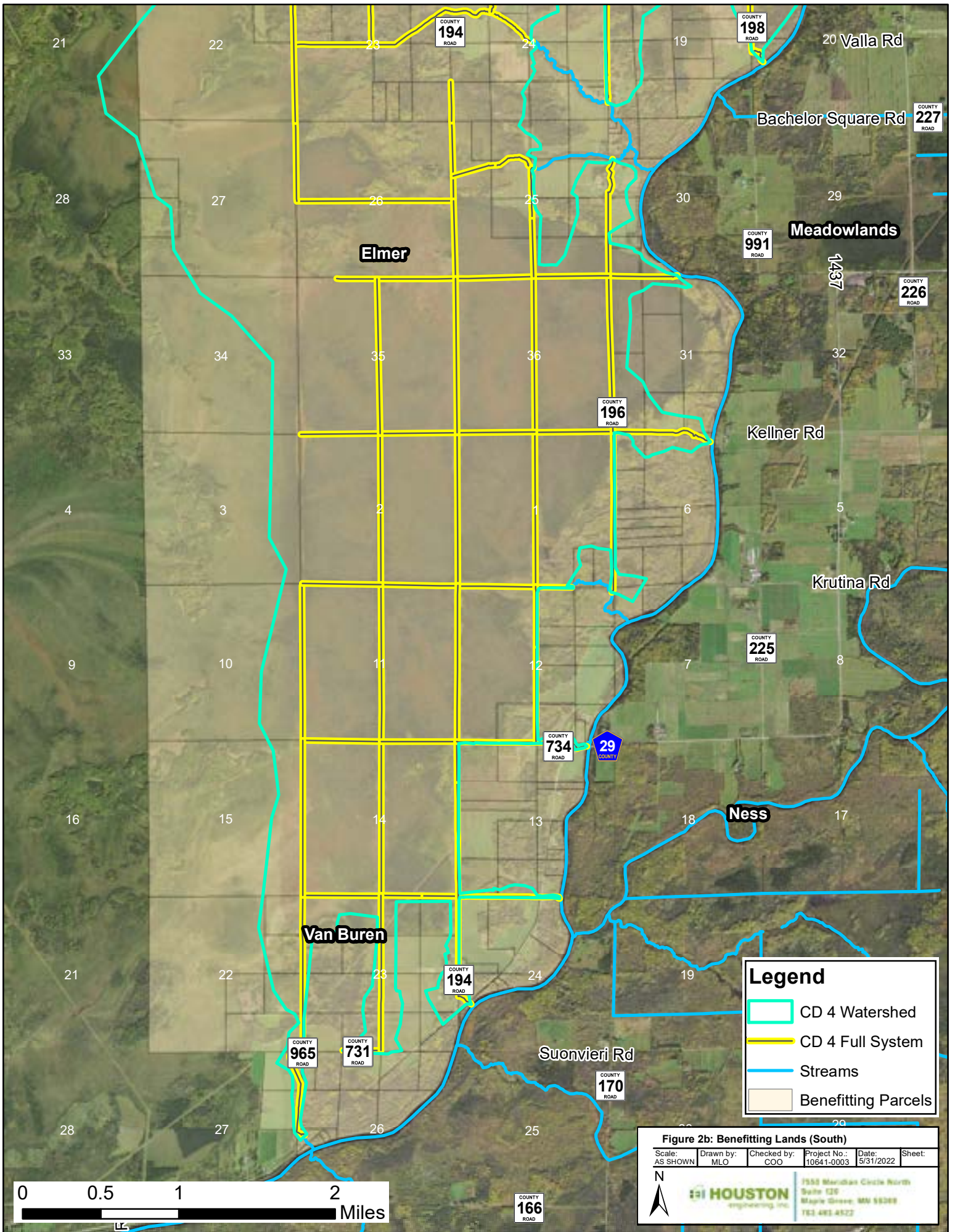
- CD 4 Watershed
- CD 4 Alignment
- Streams
- civltwp
- Benefitting Parcels

Figure 2a: Benefitting Lands (North)

Scale: AS SHOWN	Drawn by: MLO	Checked by: COO	Project No.: 10641-0003	Date: 5/31/2022	Sheet: 3
--------------------	------------------	--------------------	----------------------------	--------------------	-------------


 1556 Meridian Circle North
 Suite 137
 Maple Grove, MA 01869
 TEL: 981-4572

0 0.5 1 2 Miles



Legend

- CD 4 Watershed
- CD 4 Full System
- Streams
- Benefiting Parcels

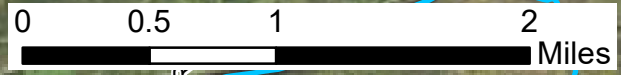
Figure 2b: Benefiting Lands (South)

Scale: AS SHOWN	Drawn by: MLO	Checked by: COO	Project No.: 10641-0003	Date: 5/31/2022	Sheet:
-----------------	---------------	-----------------	-------------------------	-----------------	--------

N

HOUSTON engineering, inc.

7555 Meridian Circle North
Suite 120
Maple Grove, MN 55369
763-483-8522



KNOWN SYSTEM MODIFICATIONS OR PROCEEDINGS

The historical record for CD 4 is largely incomplete, and no ditch proceedings or documentation of drainage system modifications were located during this study.

ANALYSIS OF CURRENT FUNCTION IN HISTORICAL CONTEXT

RECOMMENDED PARTIAL ABANDONMENT OF PUBLIC DRAINAGE SYSTEM

Some portions of CD 4 are no longer providing a public benefit, and thus the abandonment of some segments of CD 4 is recommended. To whether specific branches of CD 4 are providing benefit, a review of the ditch alignment, land use classifications, ownership and aerial photography was conducted. Two criteria were applied to determine segments of CD 4 that area not providing a public benefit or serving a substantial useful purpose:

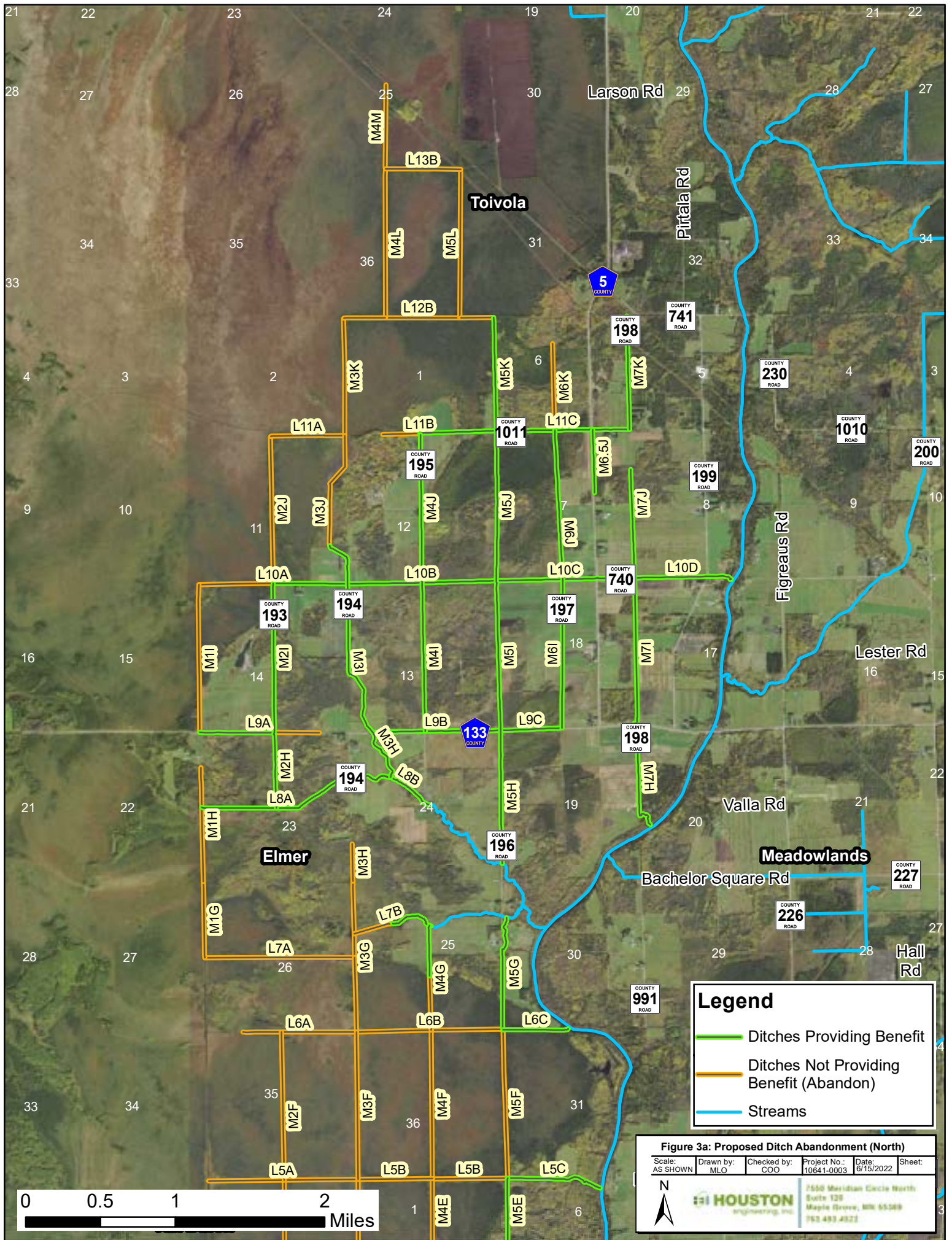
- 1) segments that only serve public and/or undeveloped lands, and
- 2) segments that provide a redundant outlet for developed (primarily agricultural use) land parcels.

The CD 4 watershed contains a large area of undeveloped parcels that are either public lands, tax, or vacant rural parcels. Ditch segments serving only these land uses were selected for abandonment. Additionally, some developed parcels are served by more than one ditch segment. In locations where developed parcels are served by more than one segment, segments were selected for abandonment, where possible, while preserving the drainage network of the ditch.

Figure 3 shows segments proposed for abandonment in yellow and segments of the public drainage system continuing to provide benefit in blue.

Of the 65.9 miles of total ditch length in the CD 4 system, 34.7 miles have been recommended for abandonment. If these segments are abandoned, a total of 31.2 miles of ditch will remain in the public drainage system.

MN Statute 103E.806 allows a petition to be submitted to 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.” We recommend the Drainage Authority initiate such a proceeding in conjunction with a proceeding to reestablish the public drainage system record.




Legend

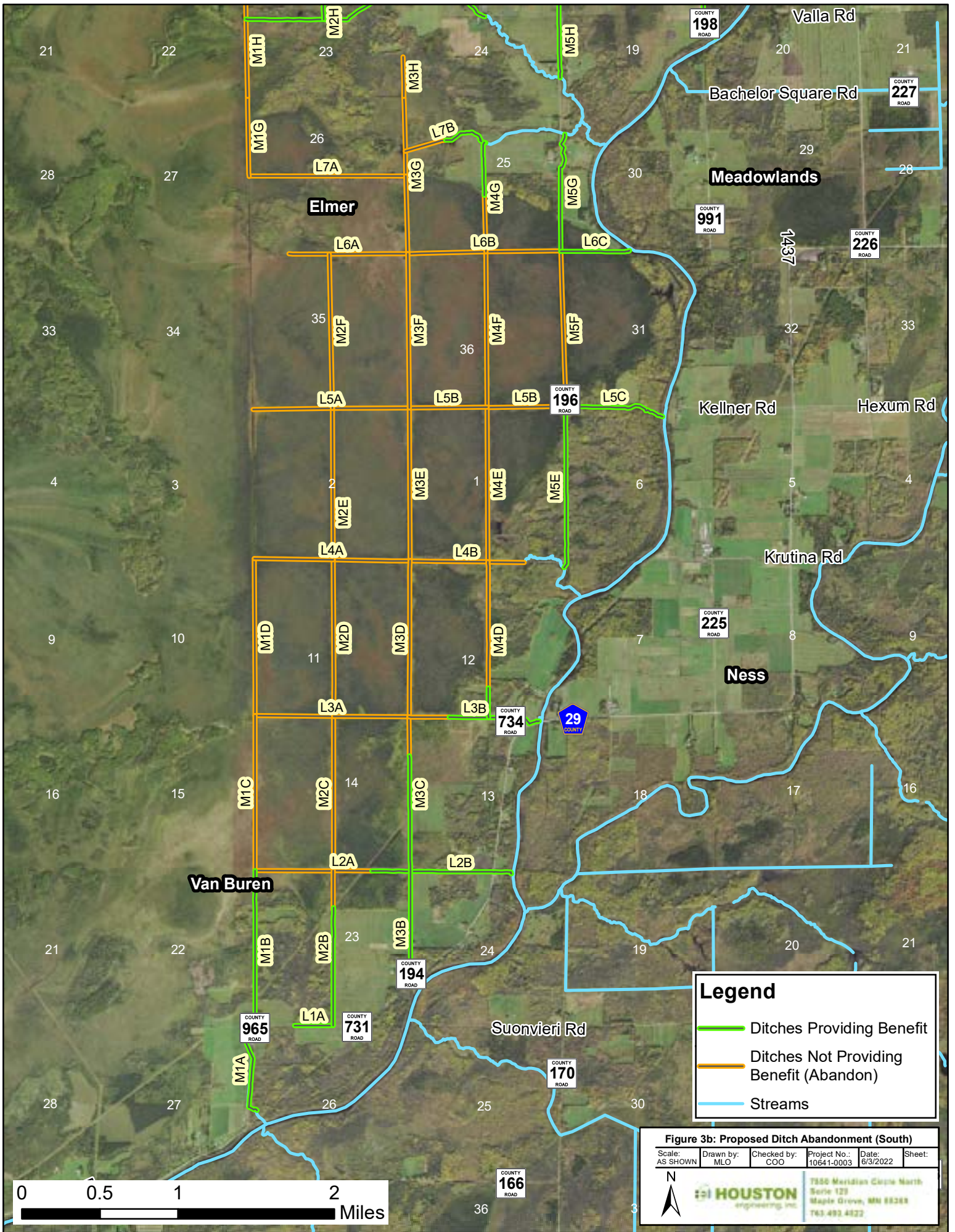
- Ditches Providing Benefit
- Ditches Not Providing Benefit (Abandon)
- Streams

Figure 3a: Proposed Ditch Abandonment (North)

Scale: AS SHOWN	Drawn by: MLO	Checked by: COO	Project No.: 10641-0003	Date: 6/15/2022	Sheet:
-----------------	---------------	-----------------	-------------------------	-----------------	--------


 7550 Meridian Circle North
 Suite 100
 Maple Grove, MN 55869
 763.483.4822

0 0.5 1 2 Miles



Legend

- Ditches Providing Benefit
- Ditches Not Providing Benefit (Abandon)
- Streams

Figure 3b: Proposed Ditch Abandonment (South)

Scale: AS SHOWN	Drawn by: MLO	Checked by: COO	Project No.: 10641-0003	Date: 6/3/2022	Sheet:
-----------------	---------------	-----------------	-------------------------	----------------	--------


 HOUSTON engineering inc.
 7850 Meridian Circle North
 Suite 129
 Maple Grove, MN 55368
 763-493-4322



AS-CONSTRUCTED AND SUBSEQUENTLY IMPROVED GRADE AND GEOMETRY

The scope of this review included evaluation of the ACSIC grade for those portions of the system providing public benefit and utility. Ideally, the grade of the ACSIC would be determined through the use of as-built drawings that identify the constructed alignment, grade and geometry. However, since as-built plans were rarely recorded for public drainage systems in the early 20th century, engineers have frequently utilized profile drawings or cut-sheets from the original designs or improvements in conjunction with test pits or soil borings to determine and corroborate the ACSIC.

For CD 4, no historical plans were located, and thus the soil borings obtained during the 2021 field survey were the best information available to determine the ACSIC. The soil borings were obtained by probing through sediment on the ditch bottom to the point of refusal. The elevation at refusal is assumed to be the transition from accumulated sediment to the as-constructed ditch bottom. Soil borings were taken every 1,000 feet along the 31.2 miles of CD 4 recommended to remain in the public drainage system.

The ACSIC elevations were determined by drawing best-fit lines for each branch based on the soil boring elevations. Elevations at junctions between laterals and mains were compared in order to provide proper connectivity between branches and maintain positive drainage throughout the system. The ACSIC profile shows sediment has accumulated throughout the system, as the ACSIC is 1-3' below the existing ditch profile throughout much of the ditch system.

The ACSIC for each branch of CD 4 providing public benefit is shown in **Attachment A**.

Comparison of ACSIC to Culvert Elevations

A total of 76 culvert crossings on the CD 4 system were identified by the field survey. Of these culverts, 23 are road crossings and 53 are either private driveway or field crossings.

It is typically recommended that culverts that are more than 1' above the ACSIC grade be replaced as part of a drainage system repair project. On the CD 4 system, 45 of the culverts are at or near the ACSIC grade, while 31 are more than 1' above the repair profile. One reason for the discrepancy between the culvert and ACSIC grades is that none of the present culverts likely were original to the establishment of the drainage systems, and those culverts that were installed/reinstalled thereafter were placed at the elevation of the bottom sediments present at the time of the culvert installation.

ACSIC Geometry

The geometries of public drainage system open channel ditches are typically indicated in Engineer's Reports prepared for the projects. In cases such as this one where the historical record is incomplete, field survey of ditch cross sections can be used to determine the as-constructed ditch geometry.

Cross-sections were taken approximately every 1,000 feet throughout the ditch system. Generally, the CD 4 ditch system features a wide bottom and moderately sloped sides. A review of cross-sections across the 28.0 mile system suggests the open channel was generally constructed with an 8' bottom and 3:1 side slopes where roads are not present and a 4' bottom with 3:1 side slopes adjacent to roadways.

RIGHT-OF-WAY

Proceedings for the original establishment of the drainage system established the area physically occupied by the drainage ditch and an easement for the area required for construction activities such as land clearing and spoil disposal. The combination of areas constitutes the right-of-way (ROW) for the drainage system and is often described as the area reasonably necessary for the drainage authority to perform its repair, maintenance, and inspection obligations while also establishing an area of reasonable setback to protect the drainage system.

Typical practice for spreading excavated material (spoils) at the time of ditch construction spread spoils with slopes of 3:1 on the ditch side and 10:1 on the field side. Assuming a depth of 1-foot and a 6-foot width across the top of the spoil pile, spoil piles were assumed to have a width of approximately 20 feet on both sides of the ditch.

Cross-sections obtained by the field survey showed a typical top-of-bank ditch width of approximately 25-35 feet, with an average of 30 feet. A total right-of-way width of 70 feet was calculated by adding 20 feet on either side of the ditch for spoils to the average bank-to-bank width of 30 feet.

REGULATORY IMPACTS

Part of the CD 4 public drainage system flows through a large peatland wetland that is regulated by several local and federal agencies, including the United States Army Corps of Engineers (USACE), which implements the federal Clean Water Act (CWA); St. Louis County, which implements the state Wetland Conservation Act (WCA); and the Minnesota Department of Natural Resources (MnDNR), which has jurisdiction over public waters. If a repair is pursued, potential impacts to regulated resources will need to be coordinated with the appropriate authorities.

PUBLIC WATERS

CD 4 discharges into the St. Louis River, which is a listed Public Watercourse. However, CD 4 does not intersect the Public Watercourse, and thus no coordination with the MnDNR would be required for a ditch project.

WETLANDS

The CD 4 public drainage system intersects wetlands identified in the U.S. Fish and Wildlife Service National Wetland Inventory (NWI) as shown in **Figure 4**. Under most regulatory programs (i.e.

Minnesota Wetland Conservation Act (WCA), Federal Clean Water Act (CWA); and Minnesota Public Waters Law), activities related to repair of a public drainage system, though potentially taking place with the confines of wetlands, are not considered to result in jurisdictional wetland loss. These activities related to public drainage system maintenance include:

- Excavation in wetlands when limited to removal of sediment or debris such as trees, logs, stumps, beaver dams, blockage of culverts, and trash, provided the removal does not result in alteration of the original cross-section of the wetland or watercourse;
- Removing those materials placed by beaver;
- Removing or moving materials blocking installed roadway culverts and related drainage structures; and
- Temporary or seasonal water level management activities done for the purpose of performing maintenance.

Under the CWA, all repair, regardless of wetland impacts, is exempt from regulation. Under the WCA, activities related to maintenance or repair of a public drainage system that may result in wetland impacts but are exempt from replacement, include:

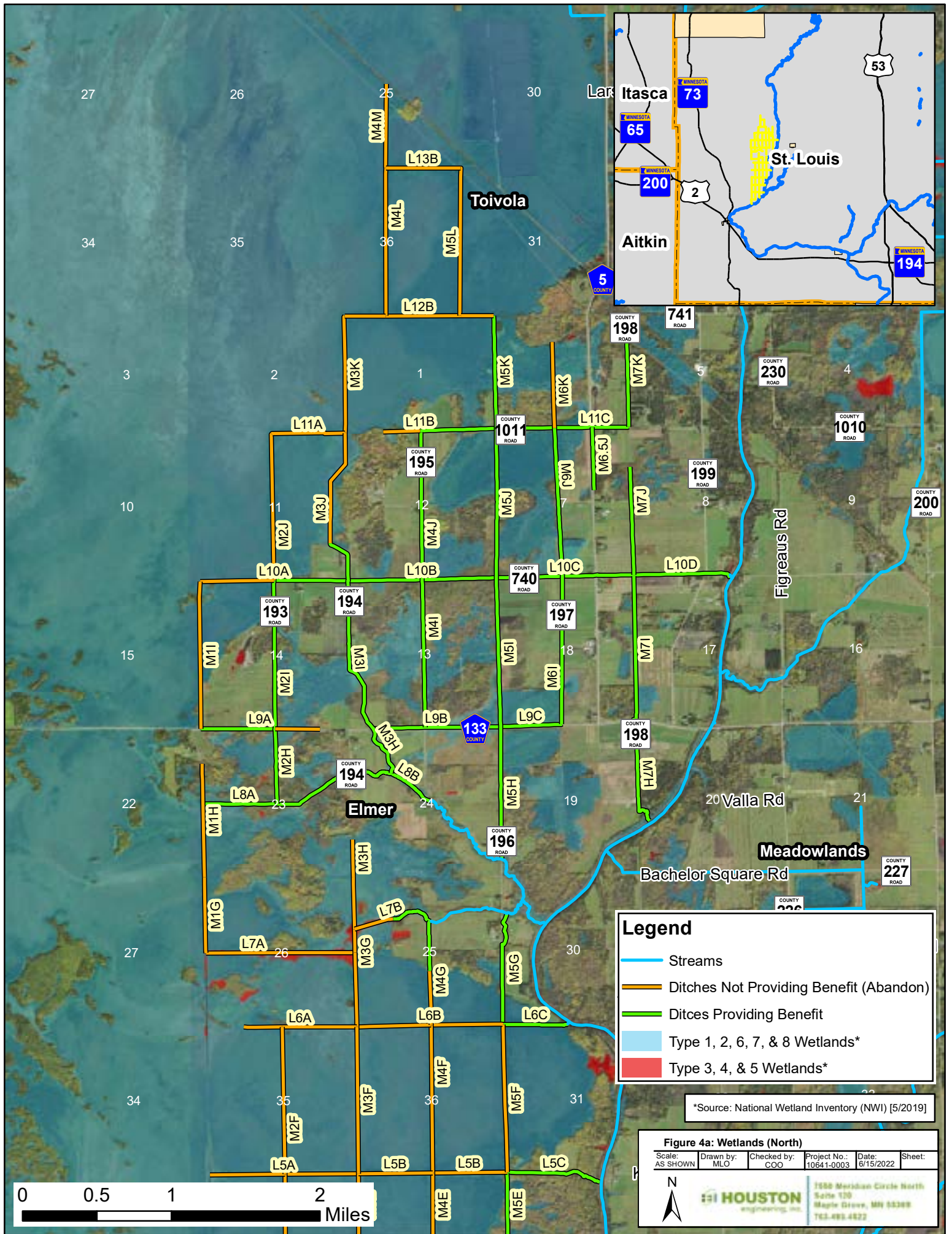
- Maintenance or repair of a public drainage system which drains Type 1, 2, 6, 7, or 8 wetlands; and
- Maintenance or repair of a public drainage system which drains Type 3, 4, or 5 wetlands that have existed for 25 years or less.

Activities considered to be “no-loss” or exempt from replacement do not require wetland replacement plans under the WCA. Though not required, in these cases it may be prudent for the drainage authority to apply to the local government unit (LGU) for a no-loss or exemption decision prior to proceeding with the maintenance activity. The LGU for this location is St. Louis County.

Several public drainage system repair activities may result in wetland impacts that are not exempt under the WCA and require wetland replacement. These activities include, but are not limited to:

- Maintenance or repair of a public drainage system which drains Type 3, 4, or 5 wetlands that have existed for more than 25 years; and
- Maintenance or repair of a public drainage system not authorized by the drainage authority.

There may be Type 3, 4, or 5 wetlands near or connected to the public drainage system. Potential impacts should be assessed during a repair report.



Legend

- Streams
- Ditches Not Providing Benefit (Abandon)
- Ditches Providing Benefit
- Type 1, 2, 6, 7, & 8 Wetlands*
- Type 3, 4, & 5 Wetlands*

*Source: National Wetland Inventory (NWI) [5/2019]

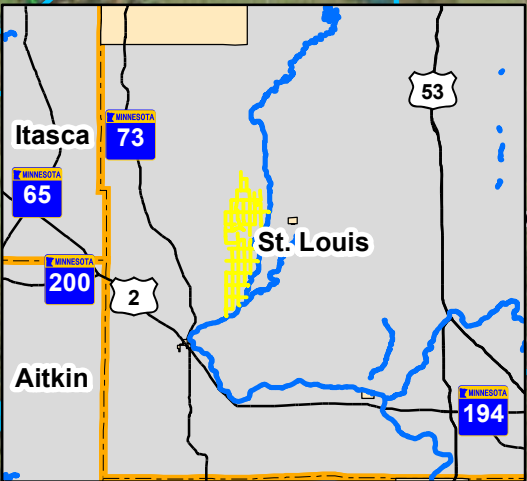
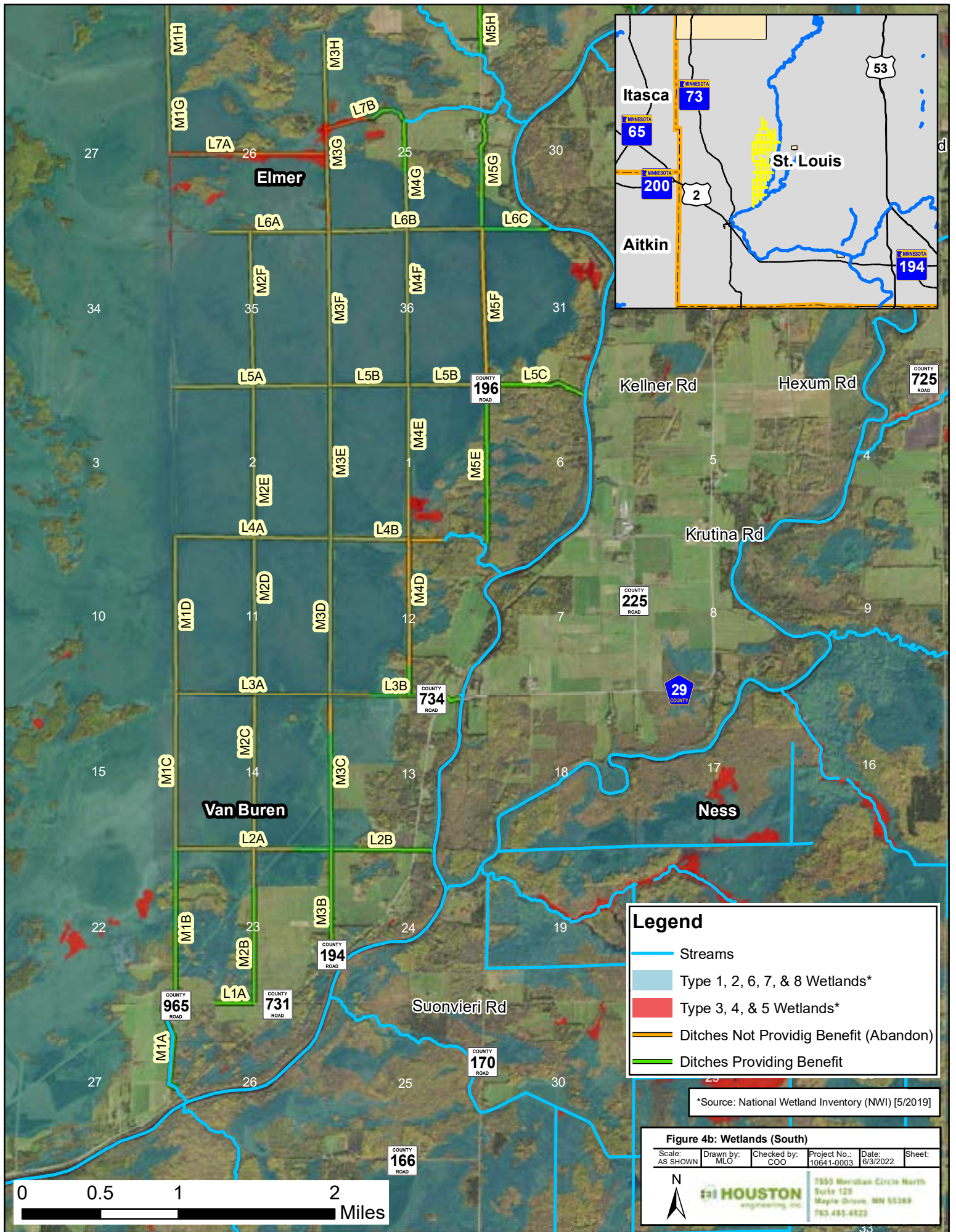
Figure 4a: Wetlands (North)

Scale: AS SHOWN	Drawn by: MLO	Checked by: COO	Project No.: 10641-0003	Date: 6/15/2022	Sheet:
--------------------	------------------	--------------------	----------------------------	--------------------	--------

HOUSTON
engineering, inc.

1550 Meridian Circle North
Suite 120
Maple Grove, MN 55369
763-493-4822

0 0.5 1 2 Miles



Legend

- Streams
- Type 1, 2, 6, 7, & 8 Wetlands*
- Type 3, 4, & 5 Wetlands*
- Ditches Not Providing Benefit (Abandon)
- Ditches Providing Benefit

*Source: National Wetland Inventory (NWI) [5/2019]

Figure 4b: Wetlands (South)

Scale: AS SHOWN	Drawn by: MLO	Checked by: COO	Project No.: 10641-0003	Date: 6/3/2022	Sheet: 33
--------------------	------------------	--------------------	----------------------------	-------------------	--------------

HOUSTON
 engineering, inc.

2550 Meridian Circle North
 Suite 120
 Maple Grove, MN 55388
 763-483-8522



RECOMMENDATIONS

The engineer recommends that the Drainage Authority initiate a proceedings, via a resolution by the County Board as Drainage Authority, to reestablish the public drainage system record of CD 4. The County Board may then schedule, notice, and hold a public hearing, and consider adopting corrected records consistent with this report. The corrected drainage system records should be based on the alignment, grade, and geometry described within this historical review and in **Attachment A**.

As noted above, the public drainage system currently includes a number of segments which do not provide benefit or serve a useful purpose. We recommend the County Board initiate a proceedings to partially abandon CD 4 as indicated in **Figure 3**. This proceeding may occur concurrently with the proceedings to correct the public drainage system record.

The alignment, grade, and geometry are, in the Opinion of the Engineer, necessary to reestablish the historic function of the legal drainage system to be the basis for maintenance and repair of the public drainage systems. We further recommend that the Drainage Authority submit the alignment, grade and geometry of the ACSIC to the Minnesota Department of Natural Resources and the St. Louis County Soil and Water Conservation District for their review and concurrence.

AVAILABLE INFORMATION/HISTORIC RECORDS

Historic records for the CD 4 public drainage system were provided by the County. The following documents have been specifically used or referenced for this report:

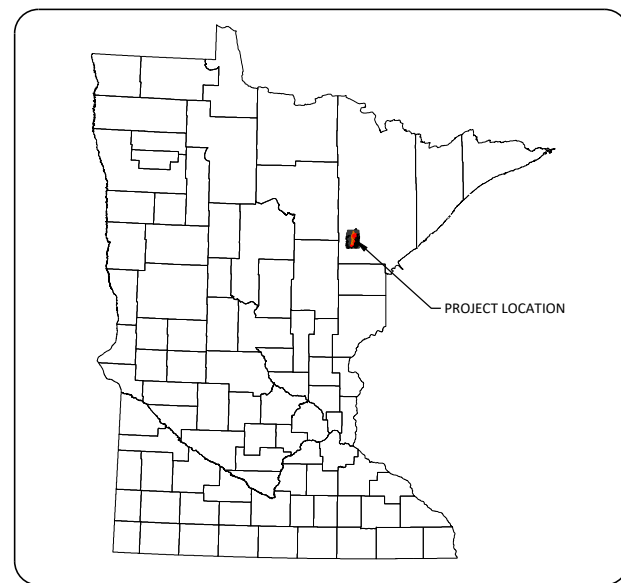
- *Undated Map Showing St. Louis County and Judicial Ditches, Office of T.F. McGilvray C.E. Ditch Inspector and Referee*
- 2003 Ditch Inspection Report, prepared by Houston Engineering, Inc.

ATTACHMENT A
ST. LOUIS COUNTY DITCH 4 PLAN AND PROFILE

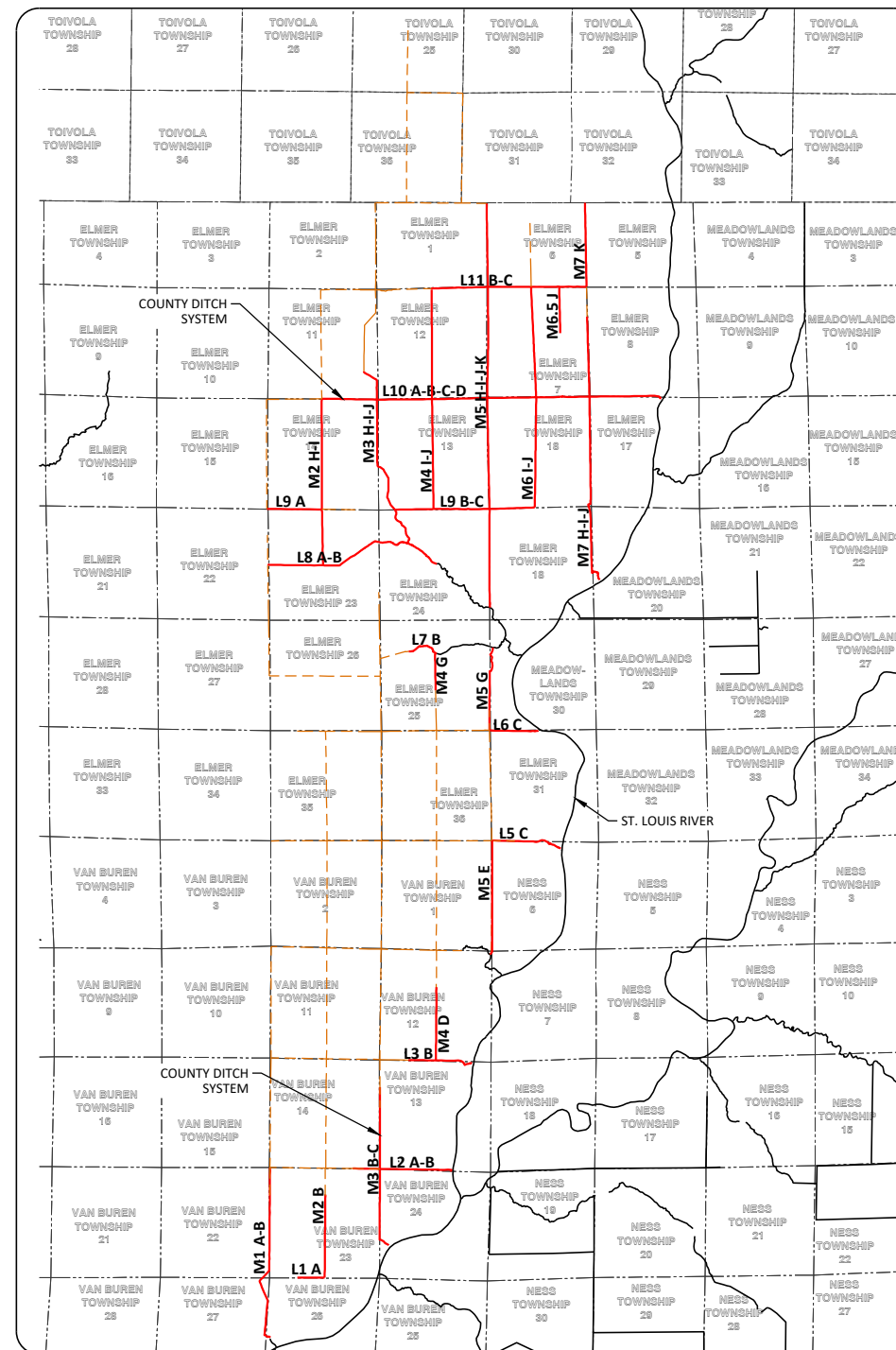
ST. LOUIS COUNTY DITCH 4 ST. LOUIS COUNTY, MINNESOTA ELMER & VAN BUREN TOWNSHIPS MAY 2022

TABLE OF CONTENTS

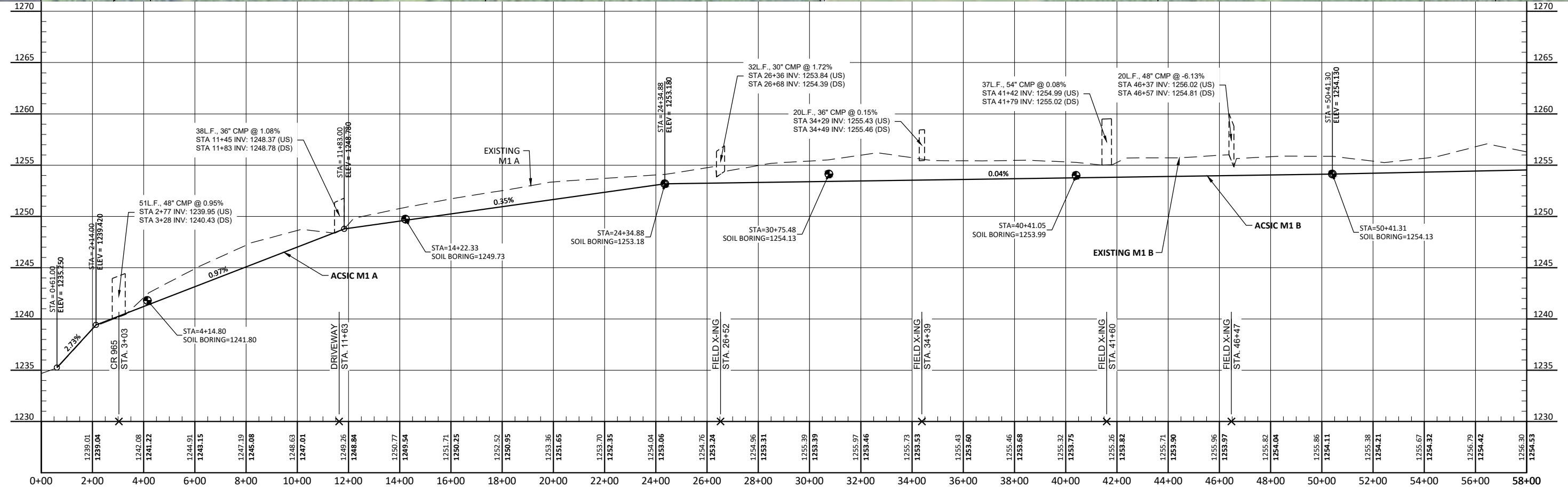
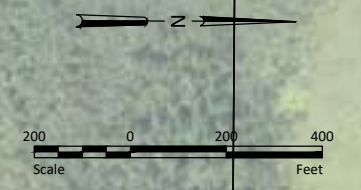
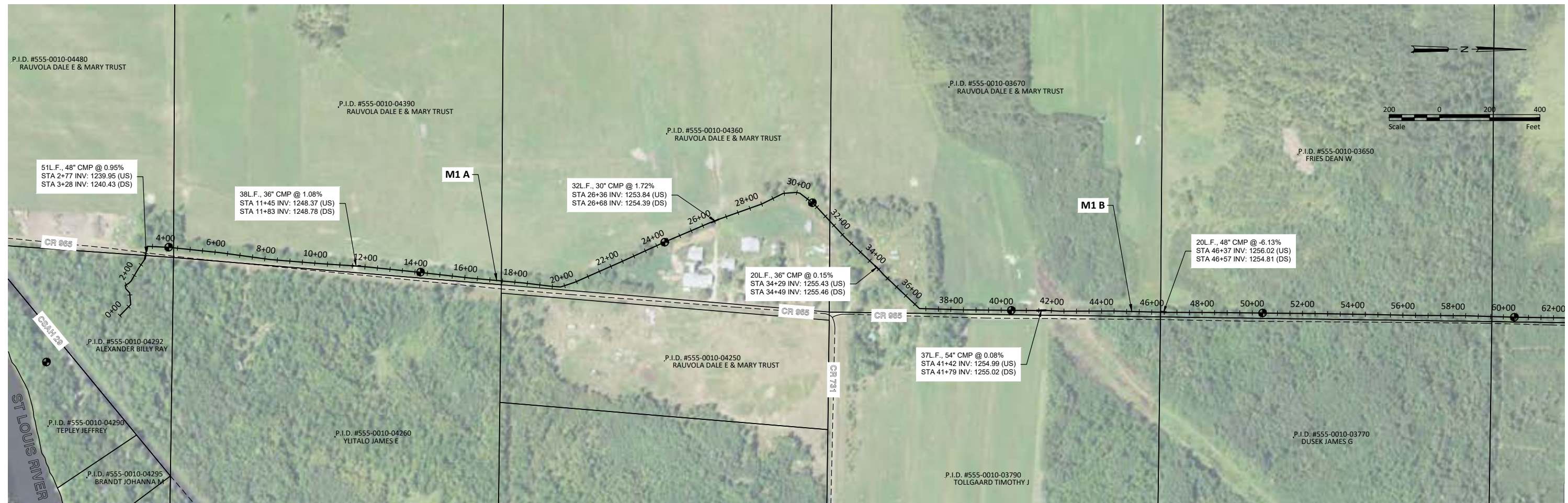
SHEET #	SHEET TITLE
1	TITLESHEET
2	M1 A-B
3	M1 A-B
4	L1 A & M2 B
5	M3 B-C
6	M3 B-C
7	L2 A-B
8	M4 D
9	L3 B
10	M5 E
11	L5 C
12	L6 C
13	M4 G & L7 B
14	M5 G
15	L8 A-B
16	L8 A-B
17	M2 H-I
18	M2 H-I
19	L9 A
20	M3 H-I-J
21	M3 H-I-J
22	M4 I-J
23	M4 I-J
24	L9 B-C
25	L9 B-C
26	M5 H-I-J-K
27	M5 H-I-J-K
28	M5 H-I-J-K
29	M5 H-I-J-K
30	L10 A-B-C-D
31	L10 A-B-C-D
32	L10 A-B-C-D
33	M6 I-J
34	M6 I-J
35	M6.5 J
36	M7 H-I-J
37	M7 H-I-J
38	M7 H-I-J
39	L11 B-C
40	L11 B-C
41	M7 K



VICINITY MAP



LOCATION MAP



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg - M1 A-B-5/31/2022 11:37 AM - (lund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

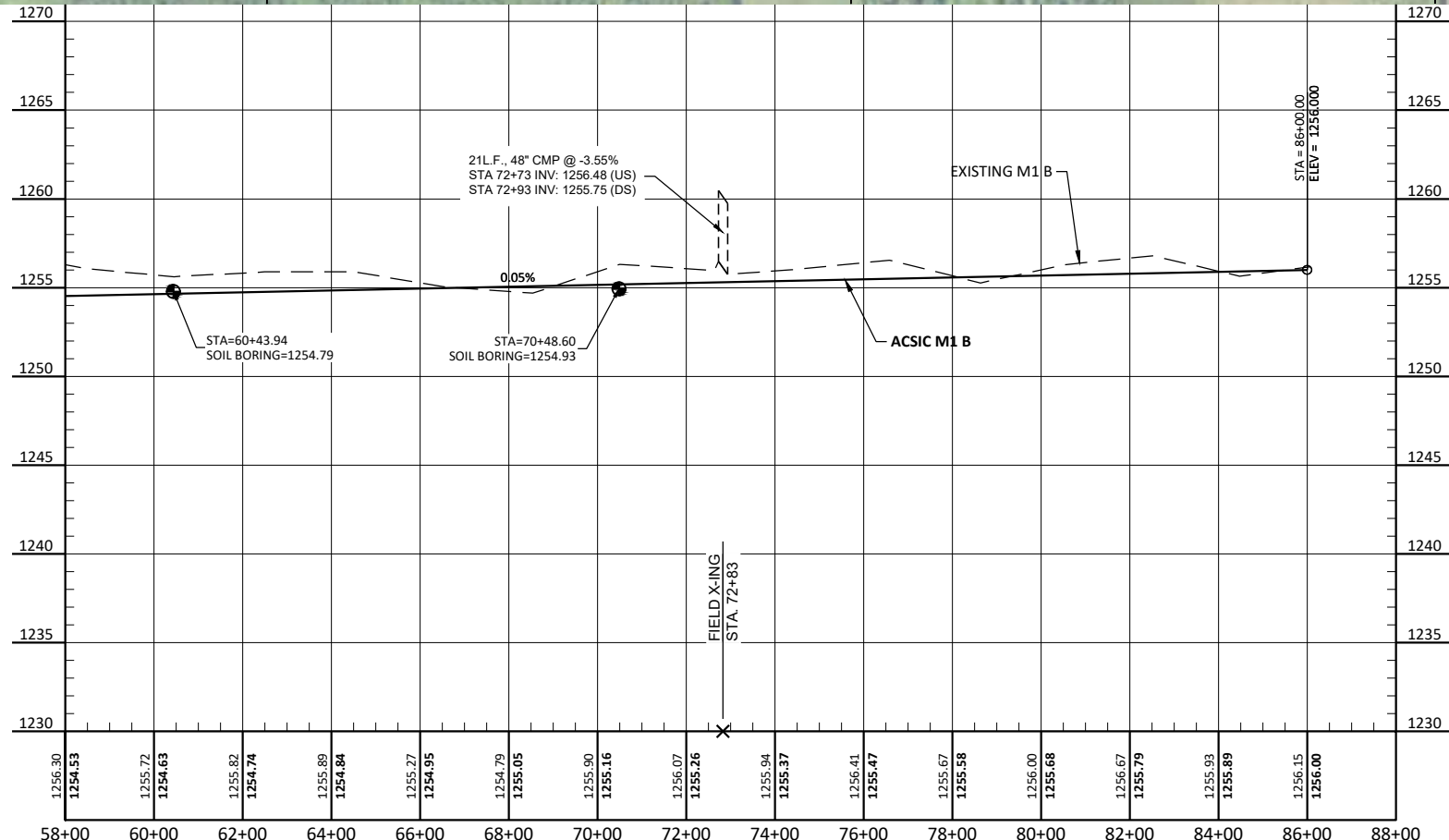
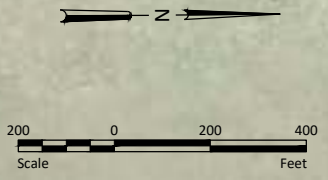


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M1 A-B
PROJECT NO. 10641-0003

SHEET
2



H:\Maple Grove\JBN\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-3 M1 A-B-5/31/2022 11:37 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION



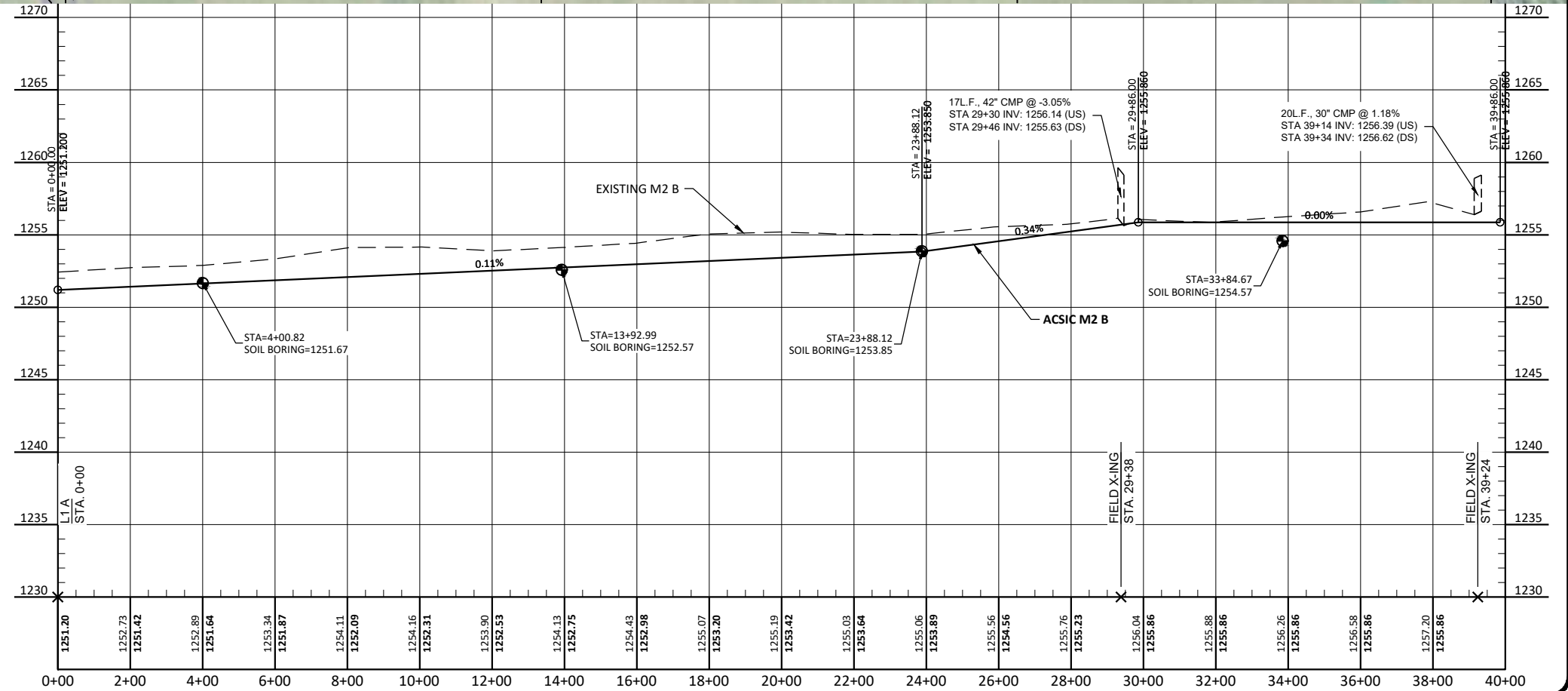
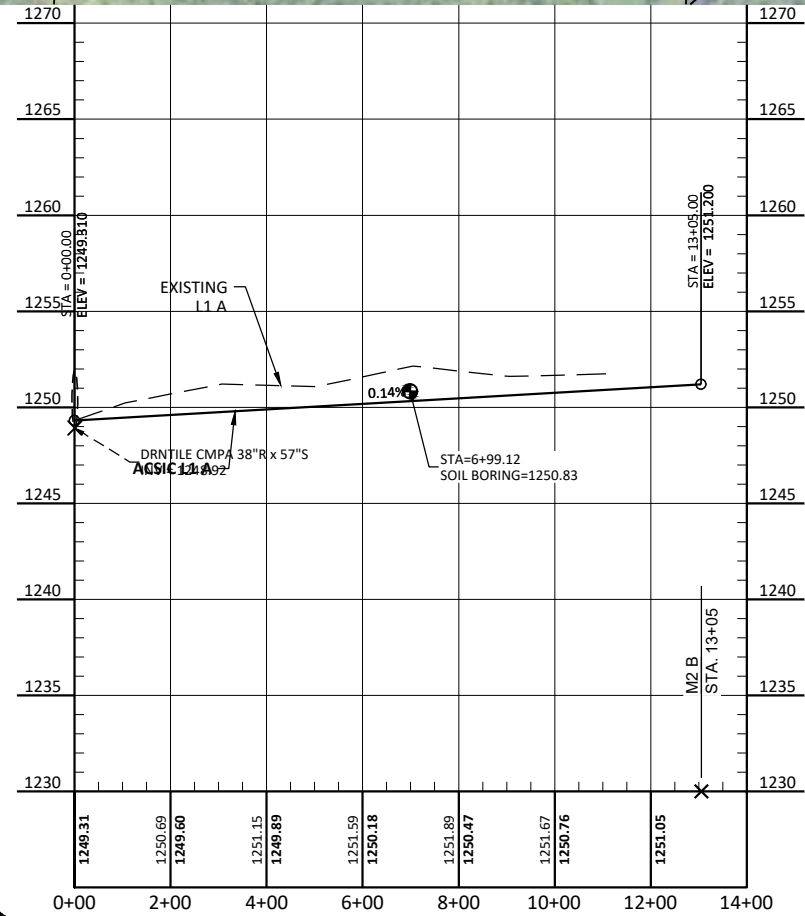
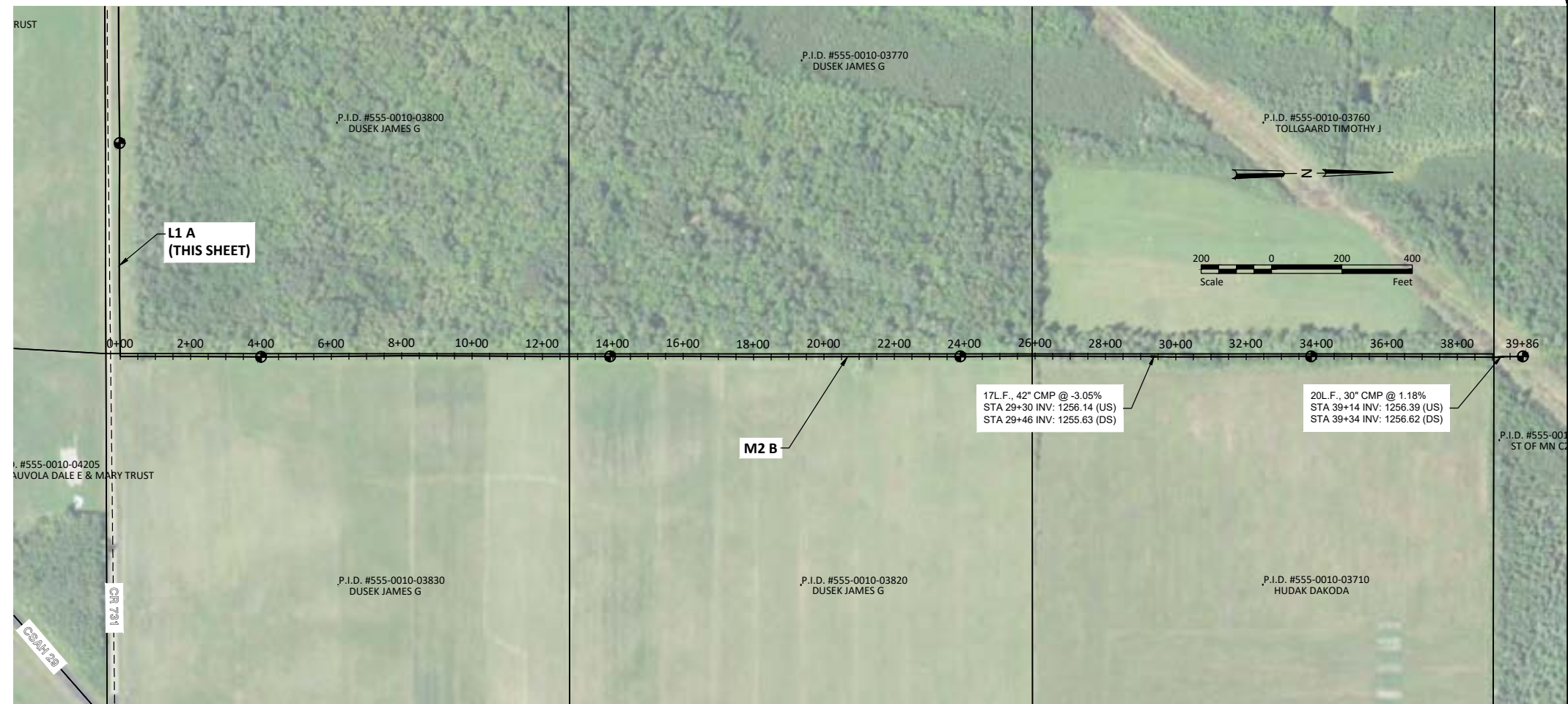
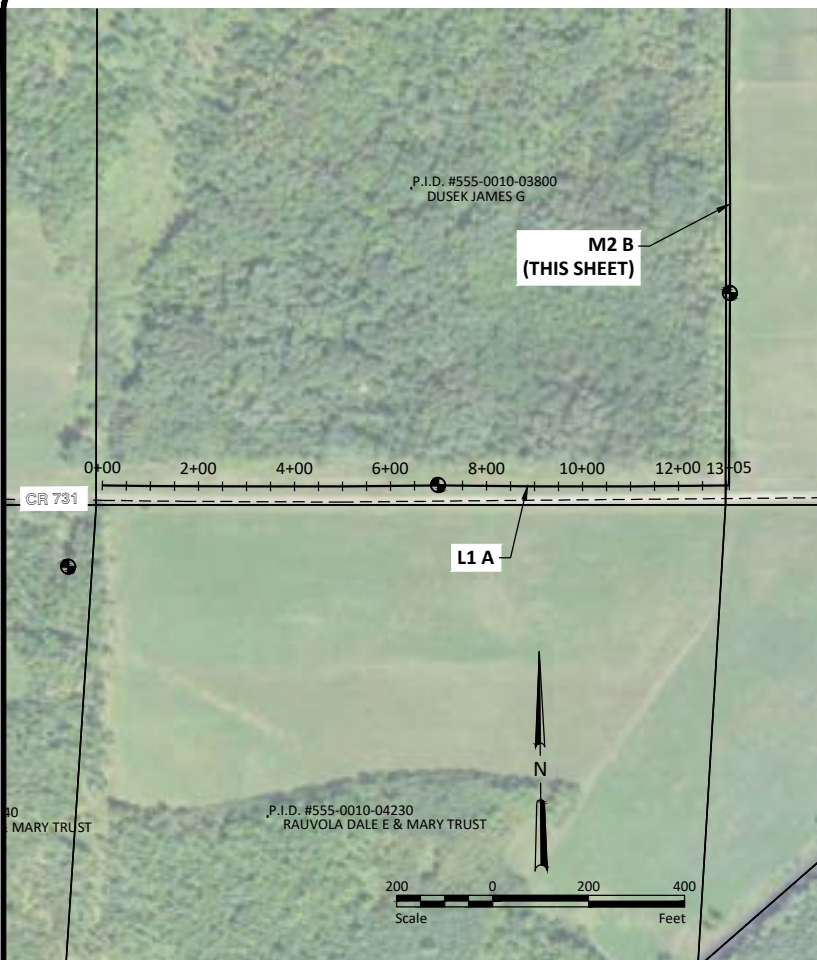
Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M1 A-B
PROJECT NO. 10641-0003

SHEET
3

H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-4 L1 A & M2 B-5/31/2022 11:37 AM-(klund)



No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

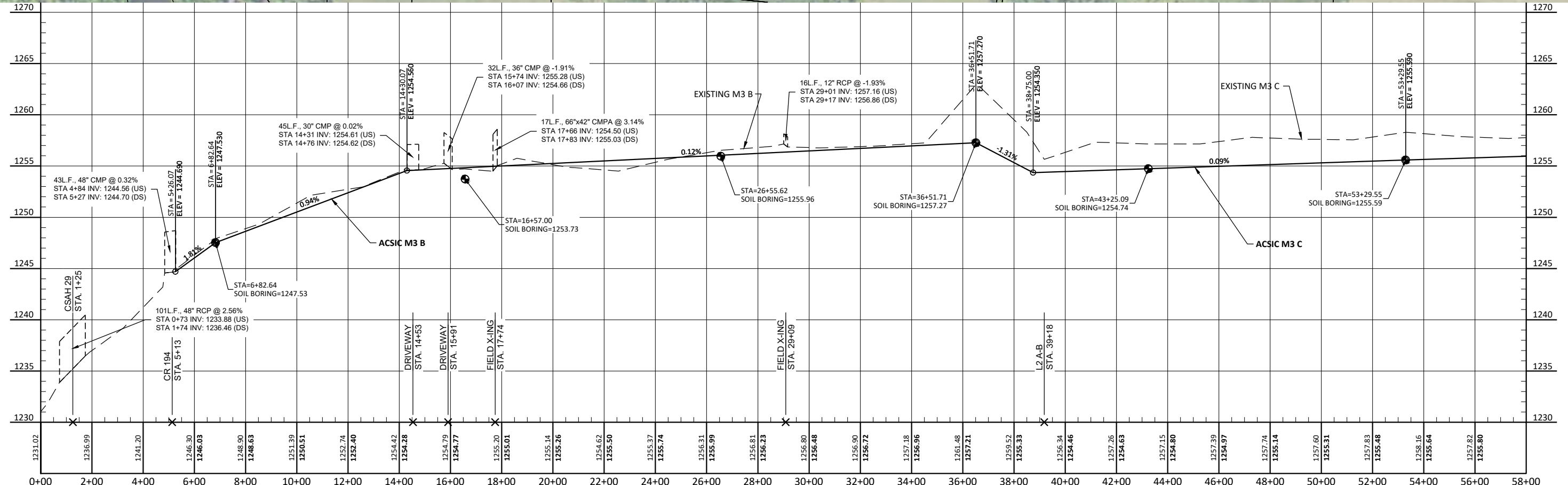
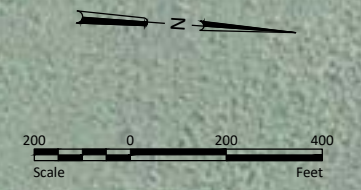
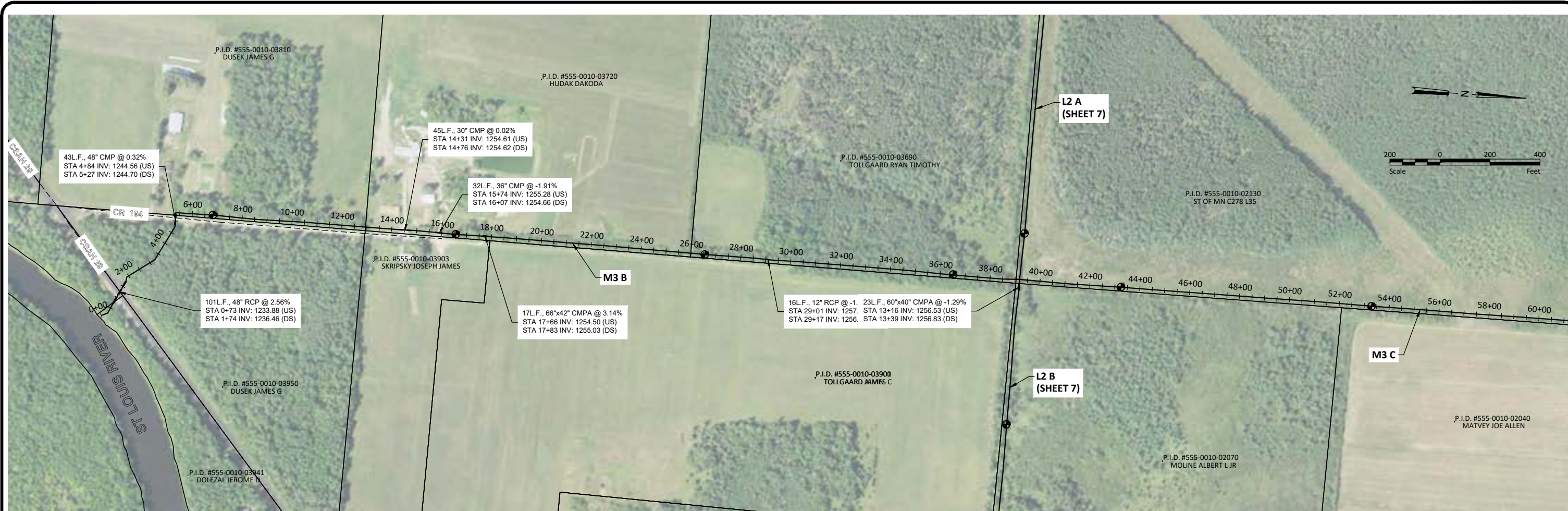


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L1 A & M2 B
PROJECT NO. 10641-0003

SHEET
4



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-5 M3 B-C-5/31/2022 11:37 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

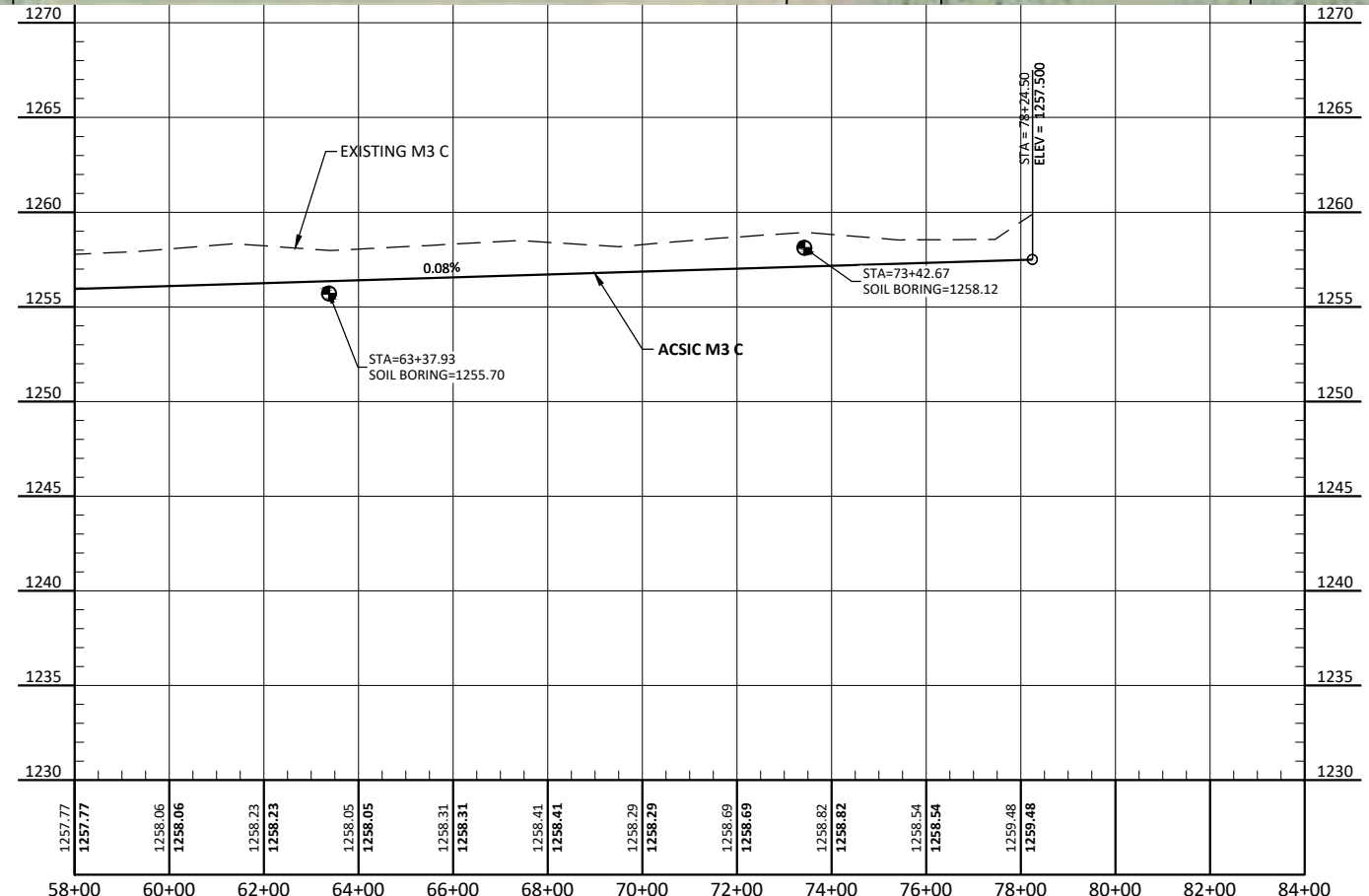
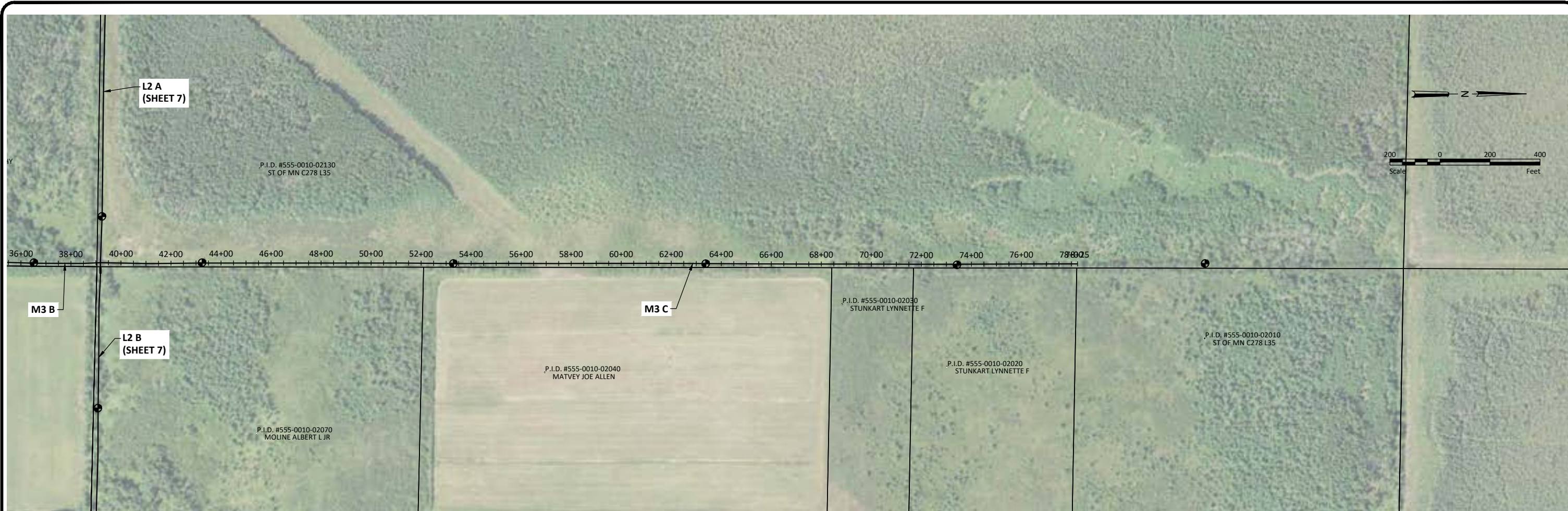


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M3 B-C
PROJECT NO. 10641-0003

SHEET
5



H:\Maple Grove\JBN\10600\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg e M3 B-C-5/31/2022 11:37 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

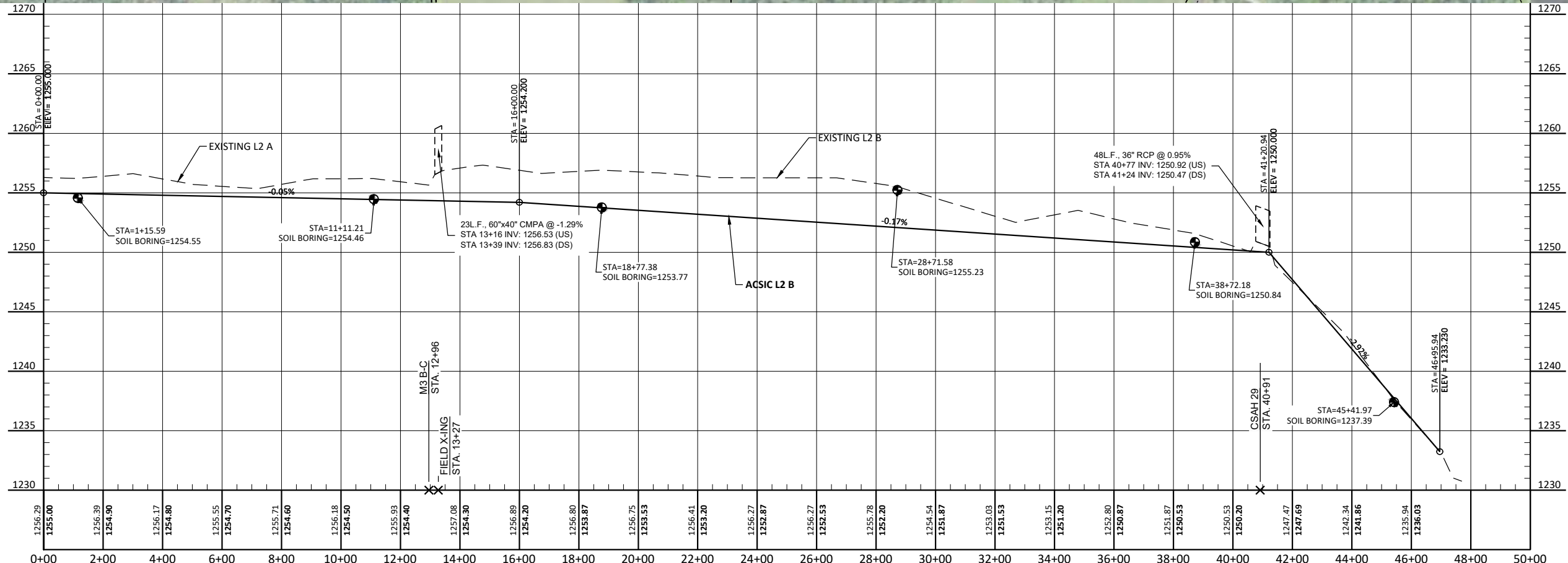
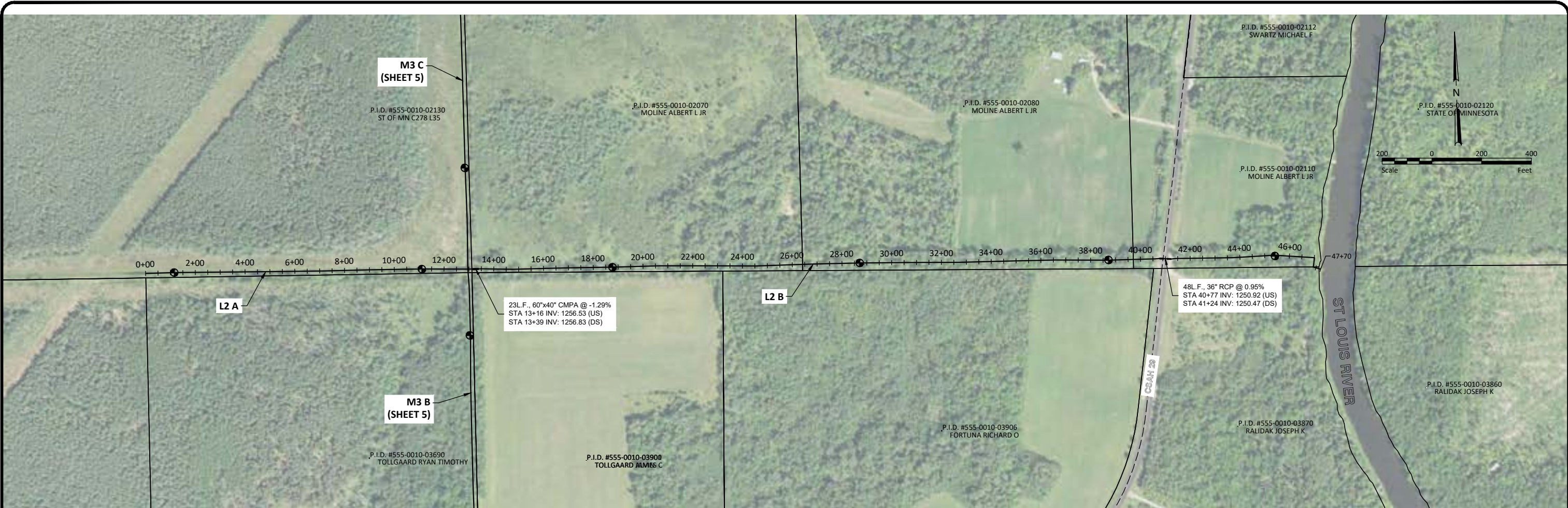


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M3 B-C
PROJECT NO. 10641-0003

SHEET
6



H:\Maple Grove\JBN\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-7 L2 A-B-5/31/2022 11:37 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

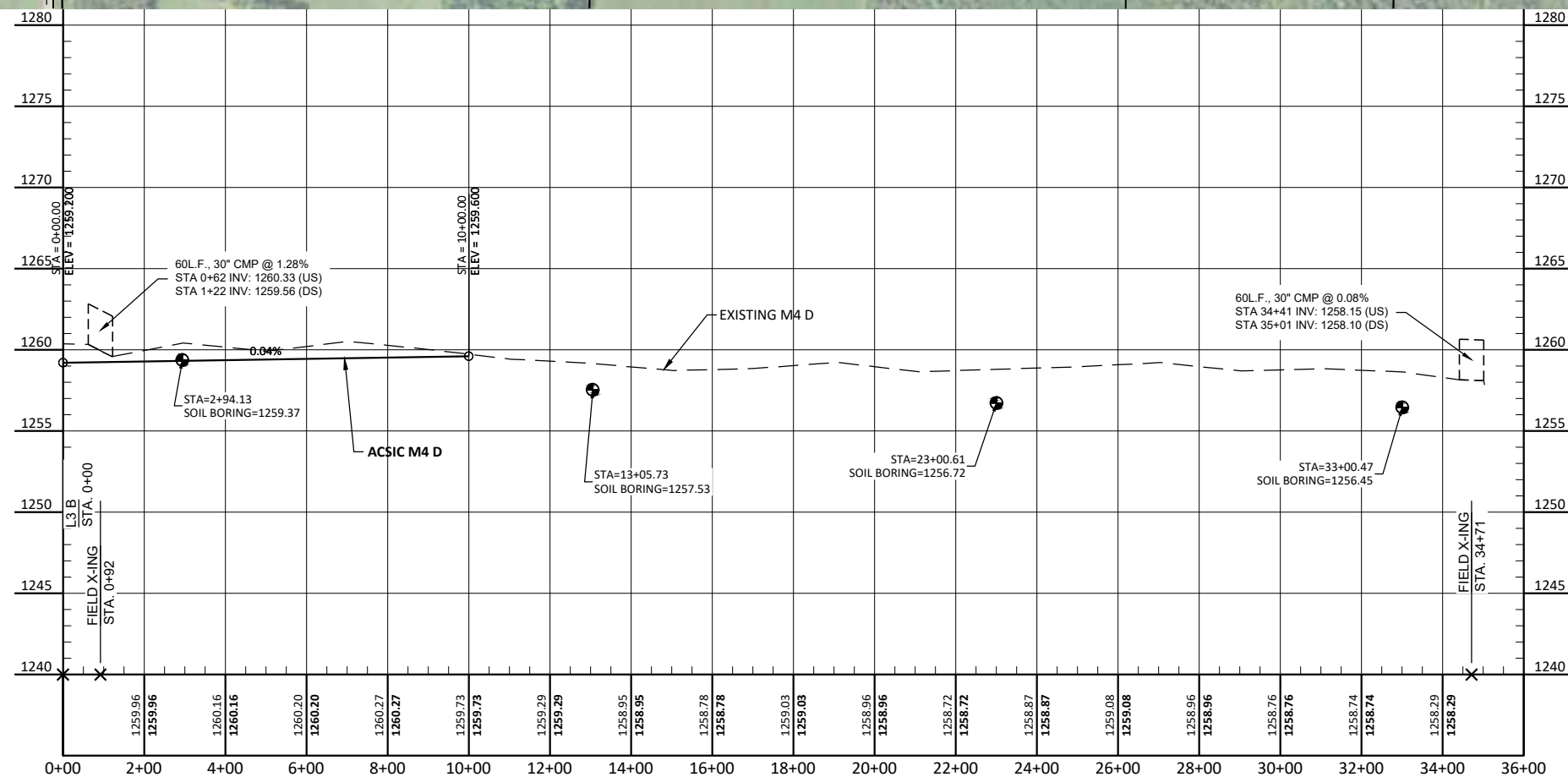
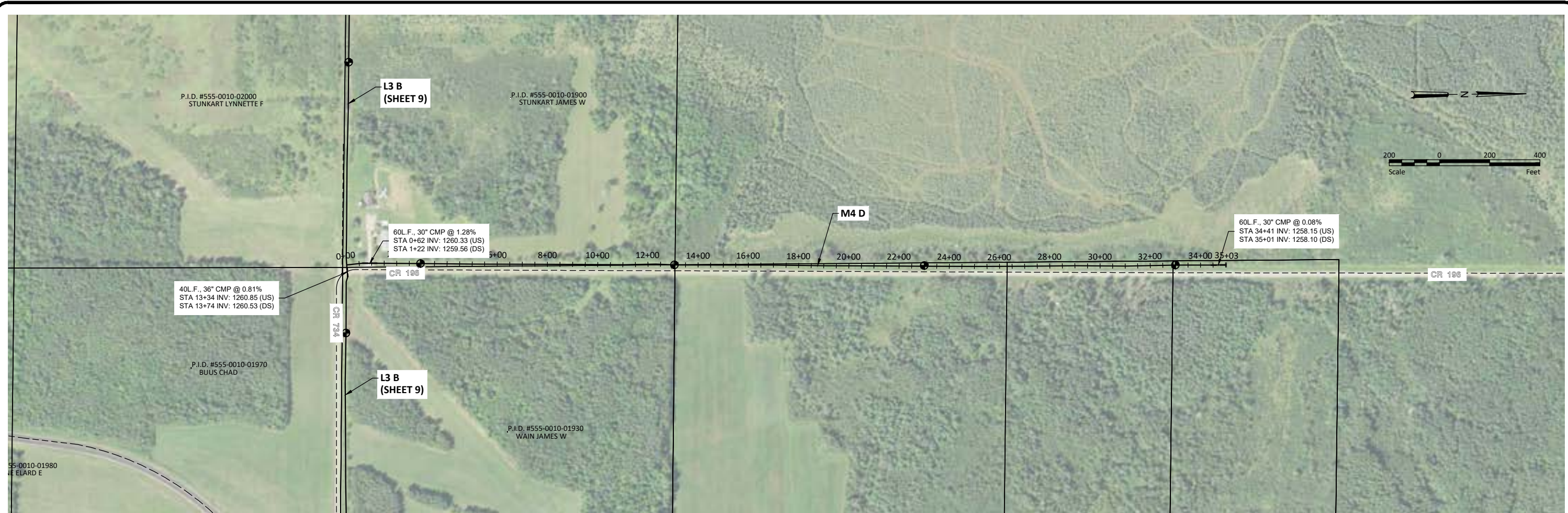


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L2 A-B
PROJECT NO. 10641-0003

SHEET
7



H:\Maple Grove\UBN\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-8 M4 D-5/31/2022 11:37 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION



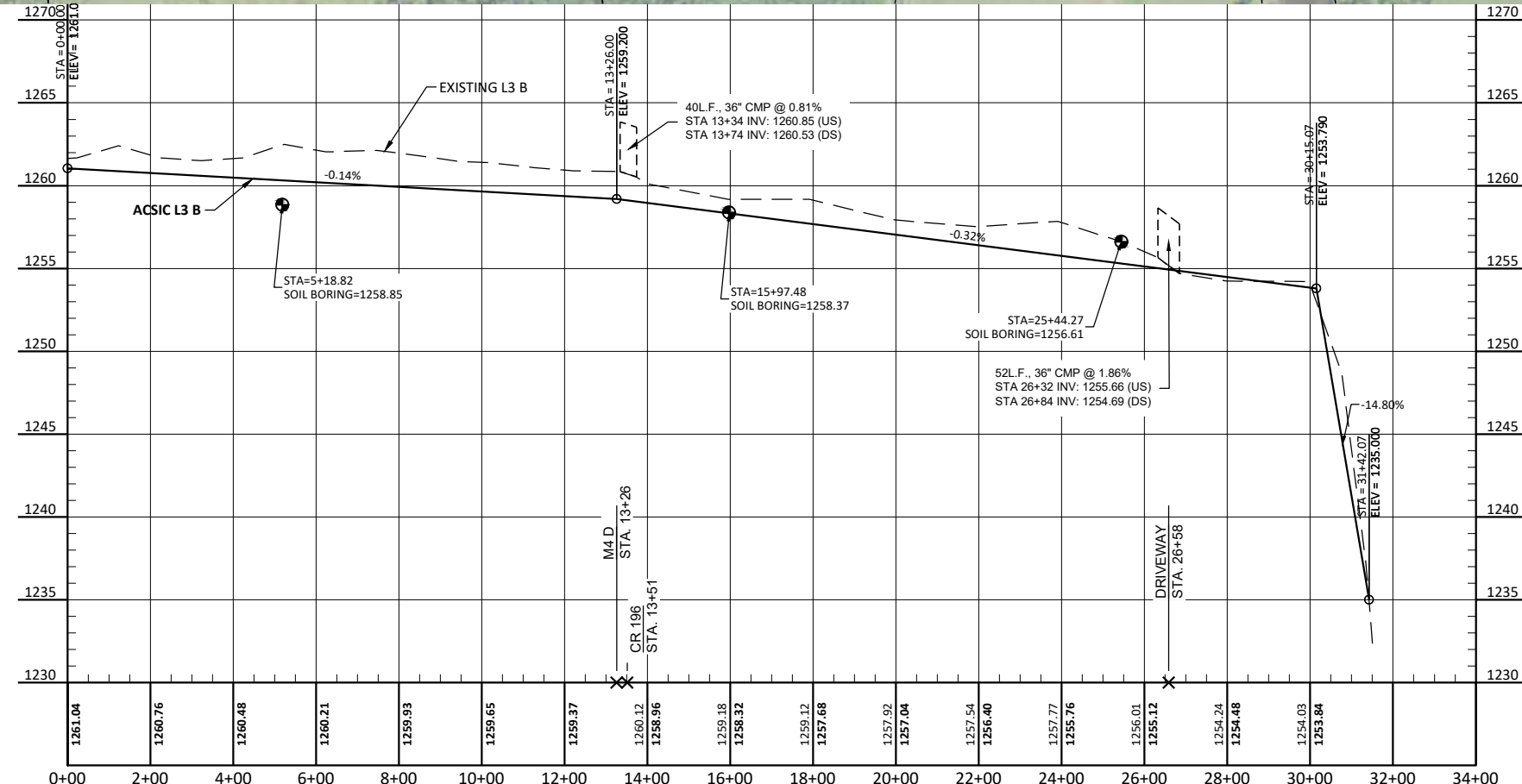
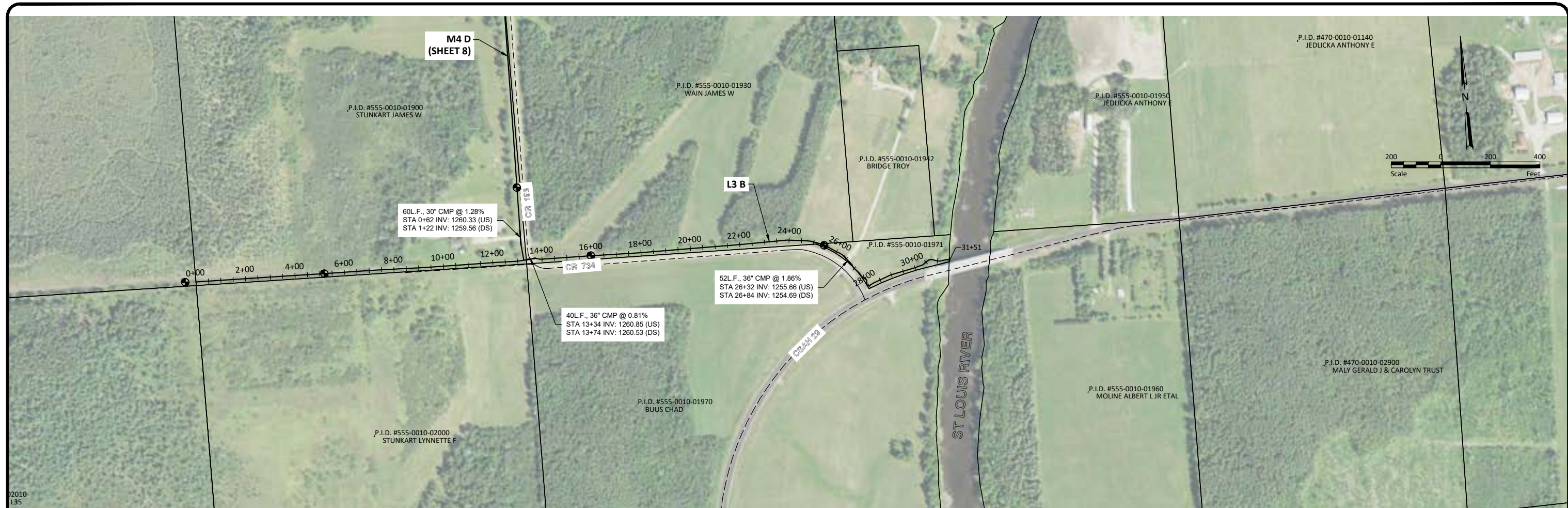
Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M4 D
PROJECT NO. 10641-0003

SHEET
8

H:\Maple Grove\JBA\10600\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg 9 L3 B-5/31/2022 11:37 AM: (klund)



No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION



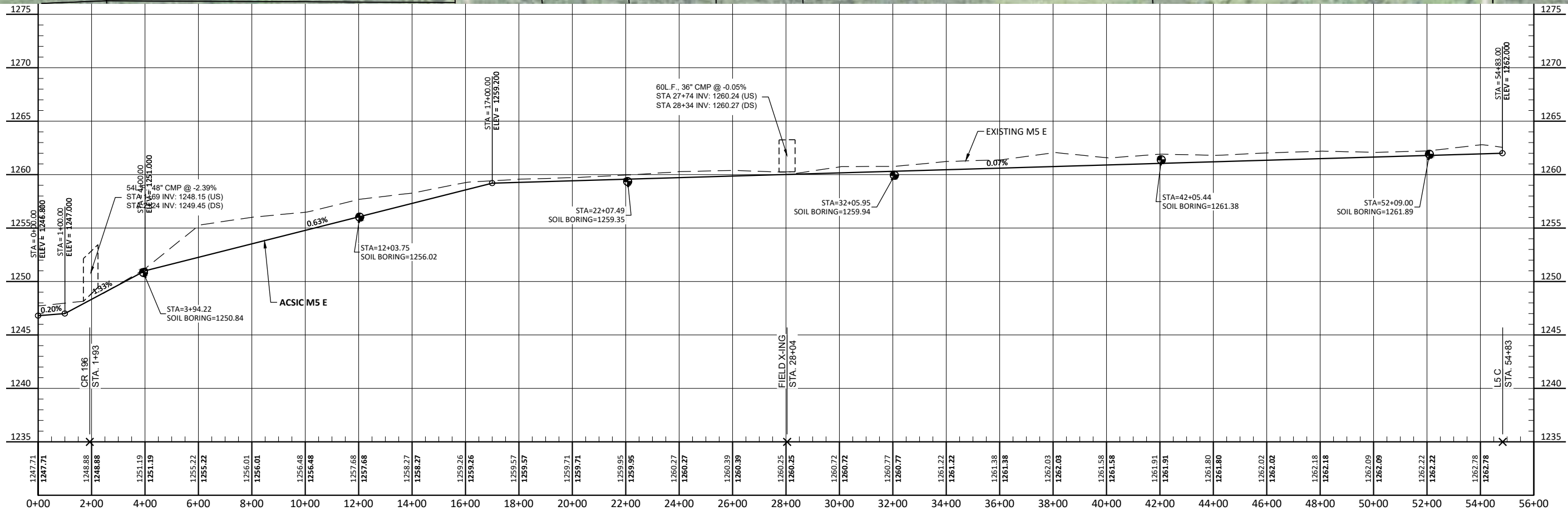
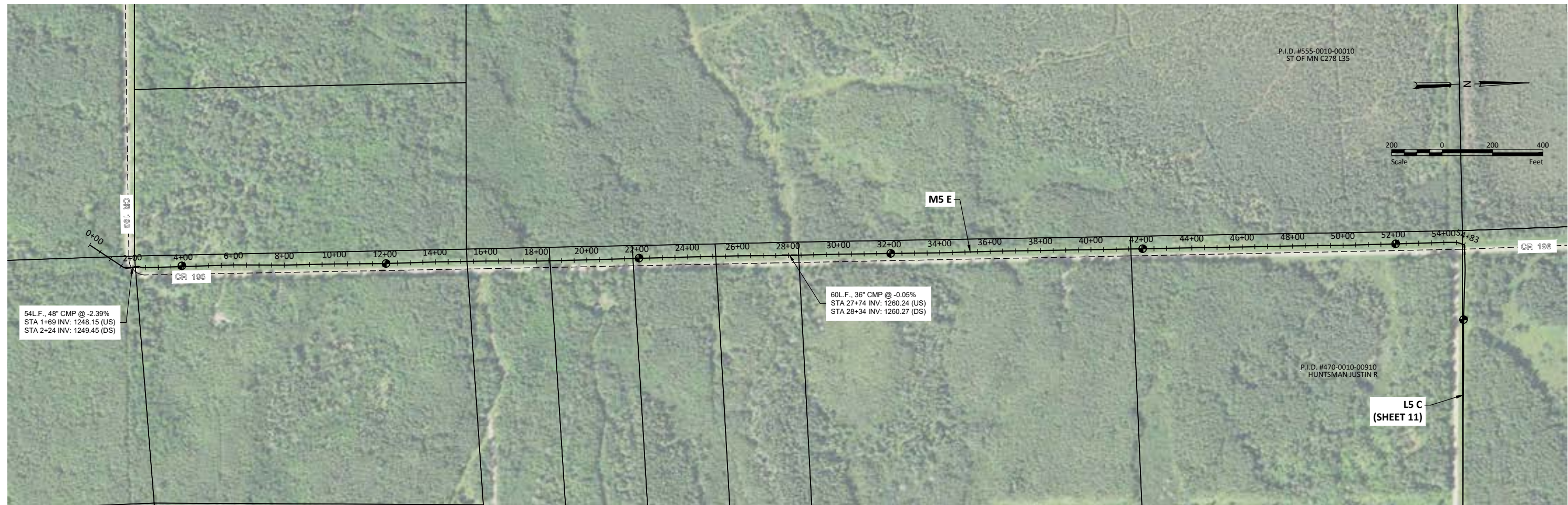
Drawn by: KJL
Date: 05-31-2022
Checked by: CCO
Scale: AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L3 B
PROJECT NO. 10641-0003

SHEET
9

H:\Maple Grove\JBA\106000\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-10 M5 E-5/31/2022 11:37 AM-(klund)



No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

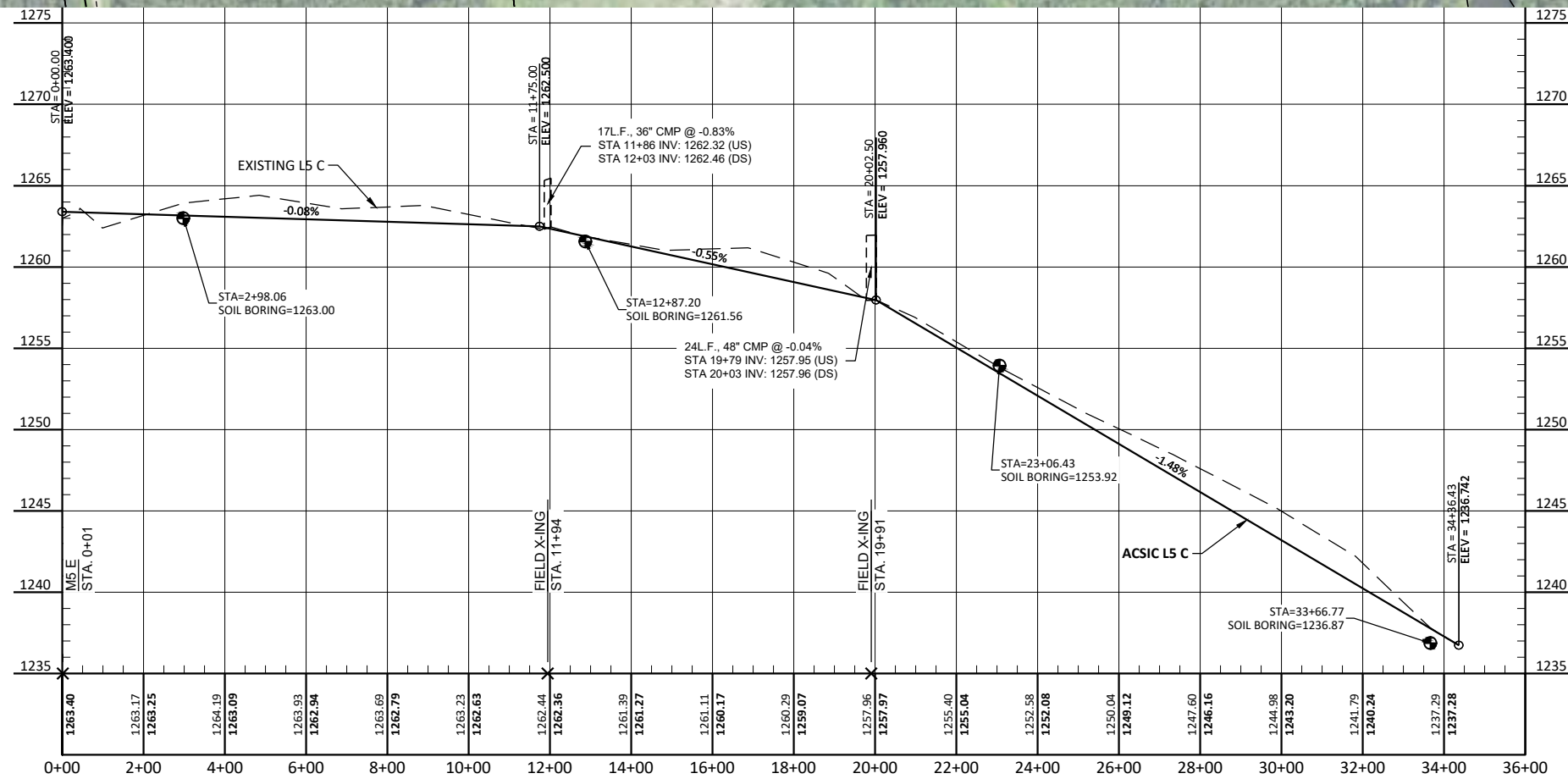
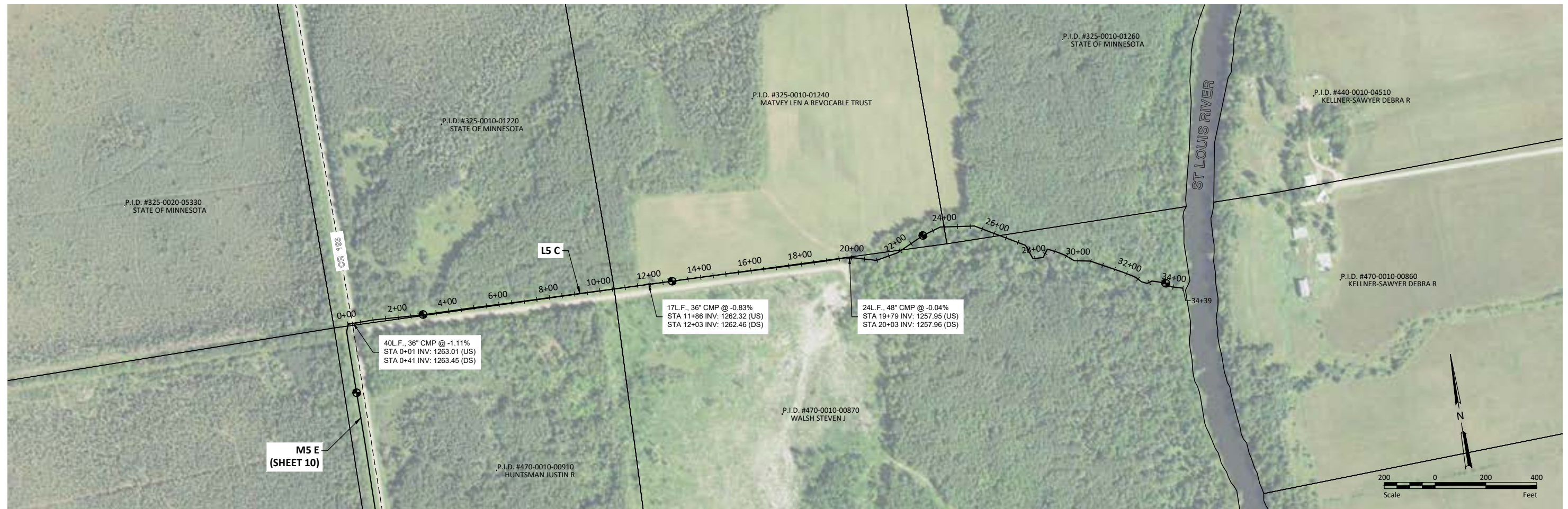


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M5 E
PROJECT NO. 10641-0003

SHEET
10



H:\Maple Grove\JBA\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-11 US C-5/31/2022 11:38 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

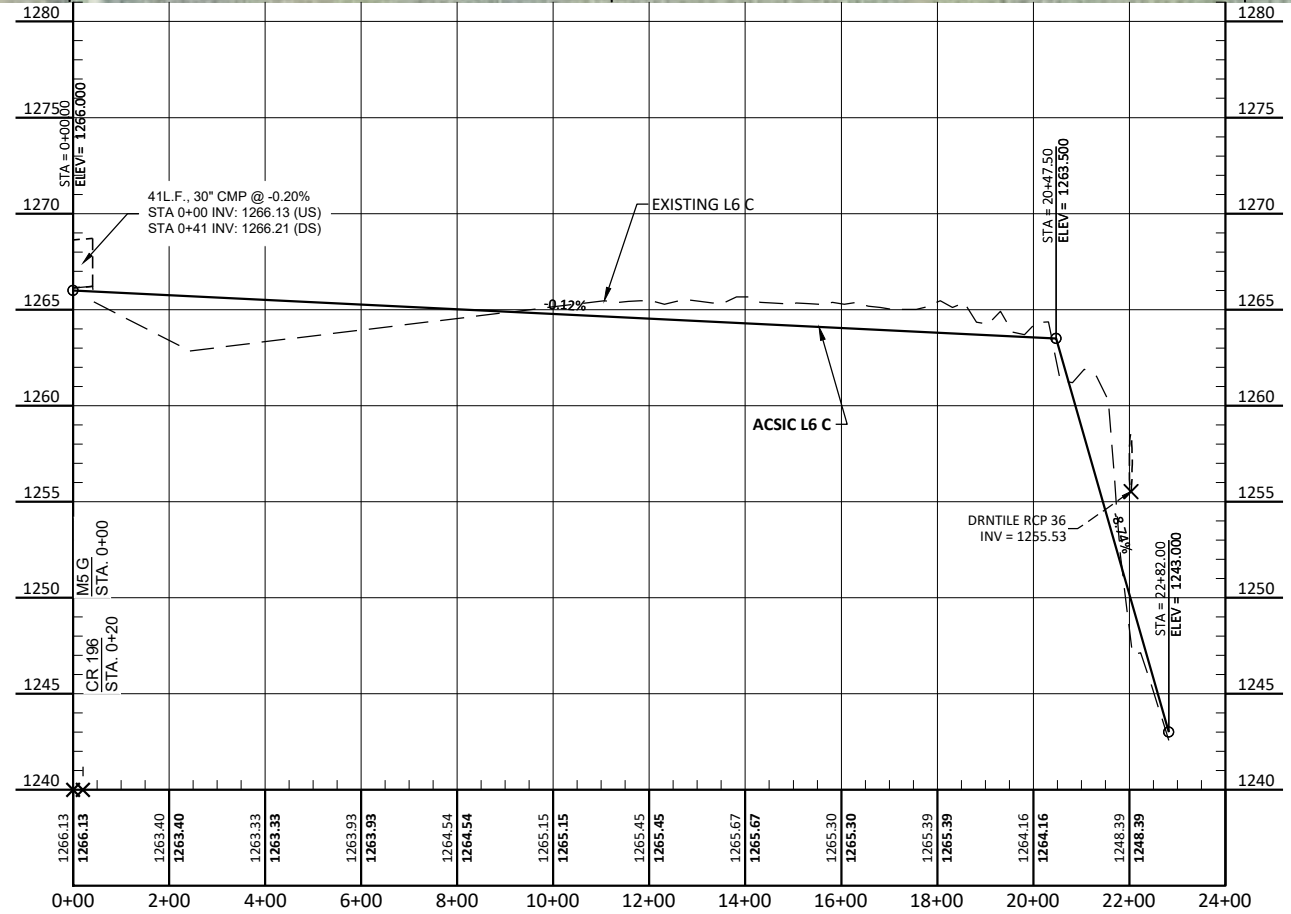
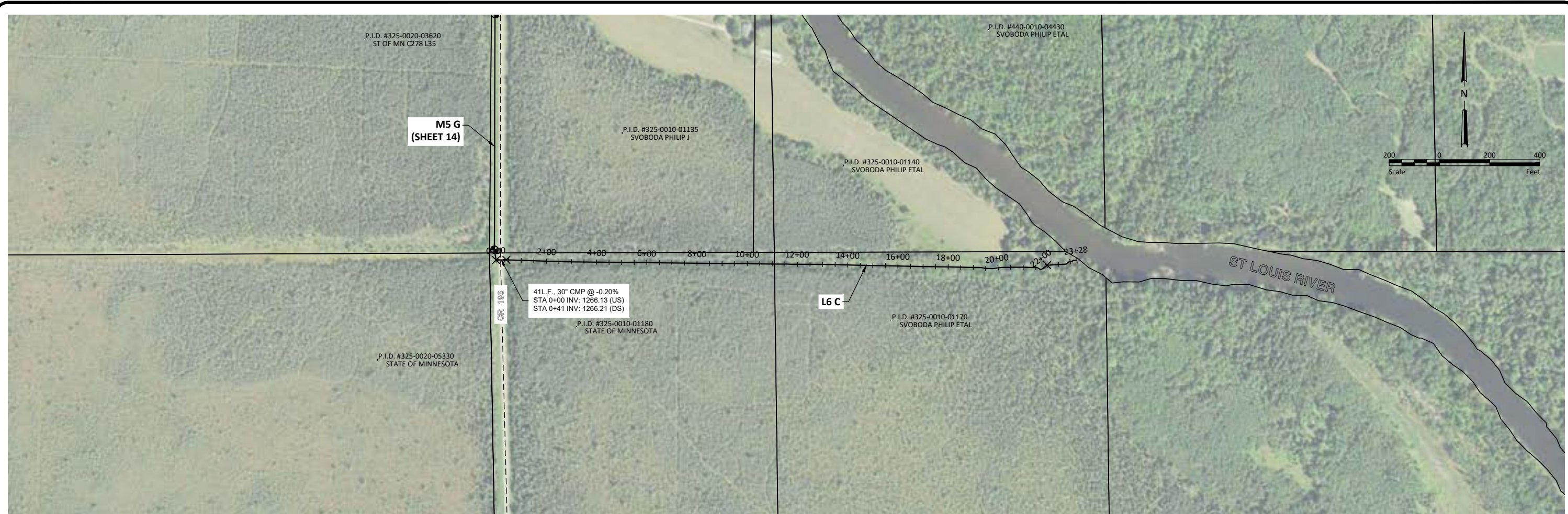


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L5 C
PROJECT NO. 10641-0003

SHEET
11



H:\Maple Grove\JBN\10600\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-12 L6 C-5/31/2022 11:38 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION



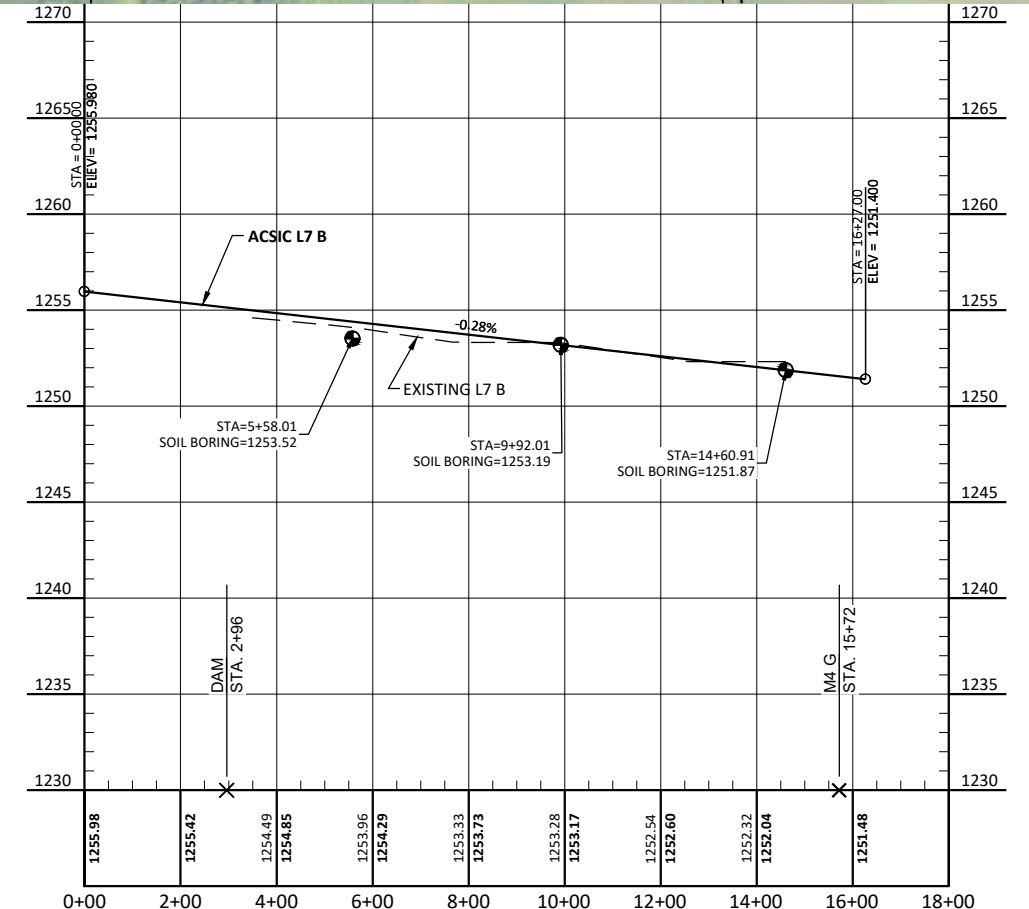
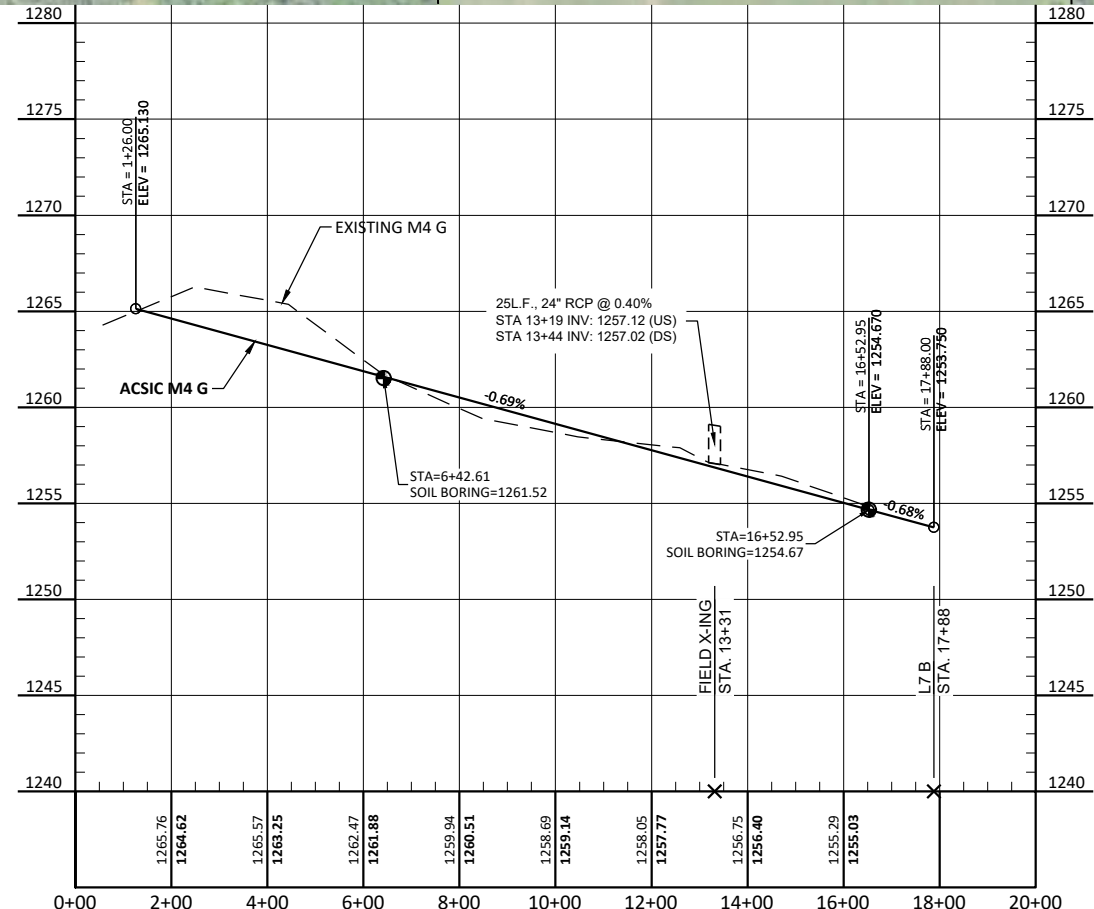
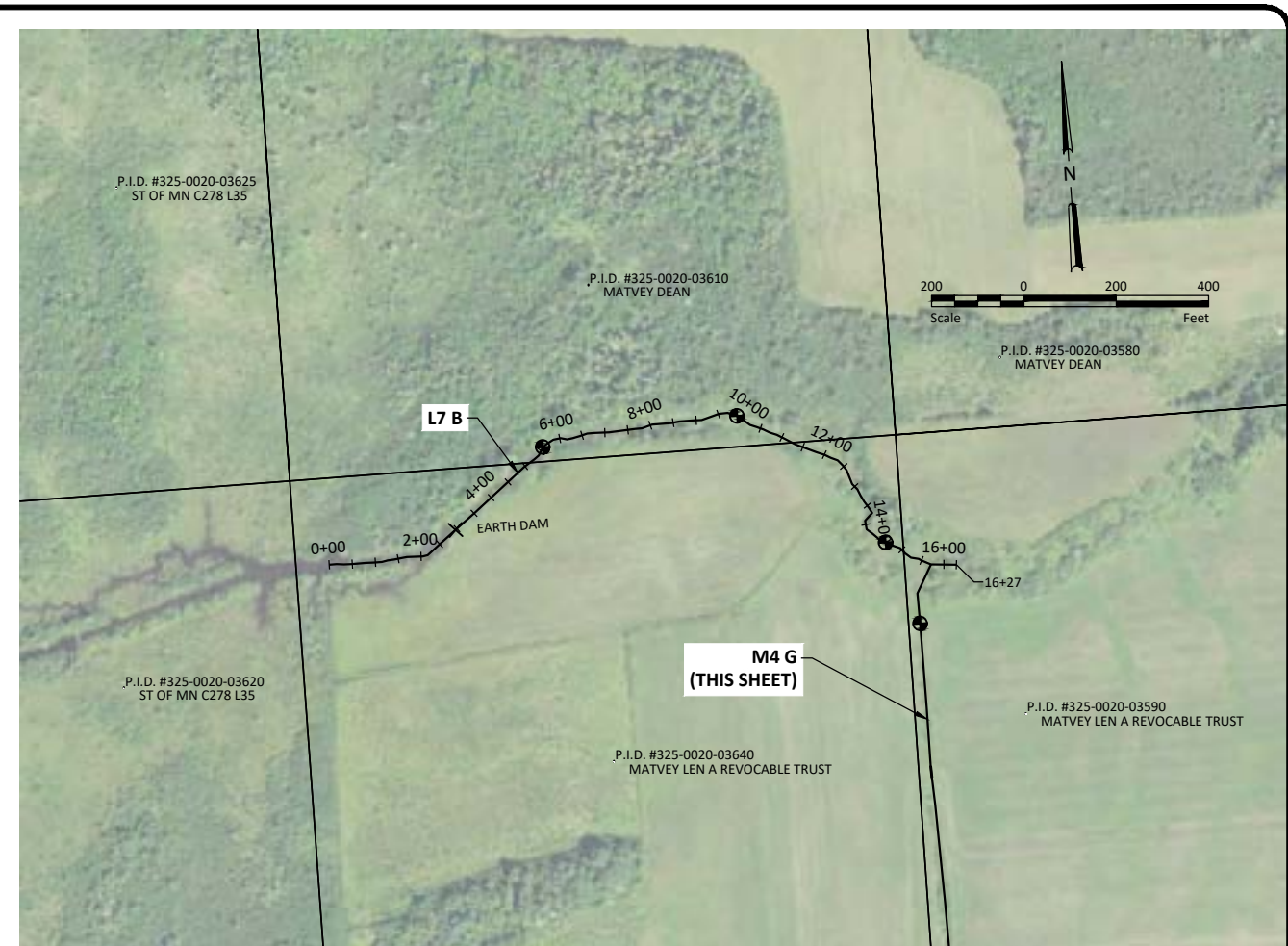
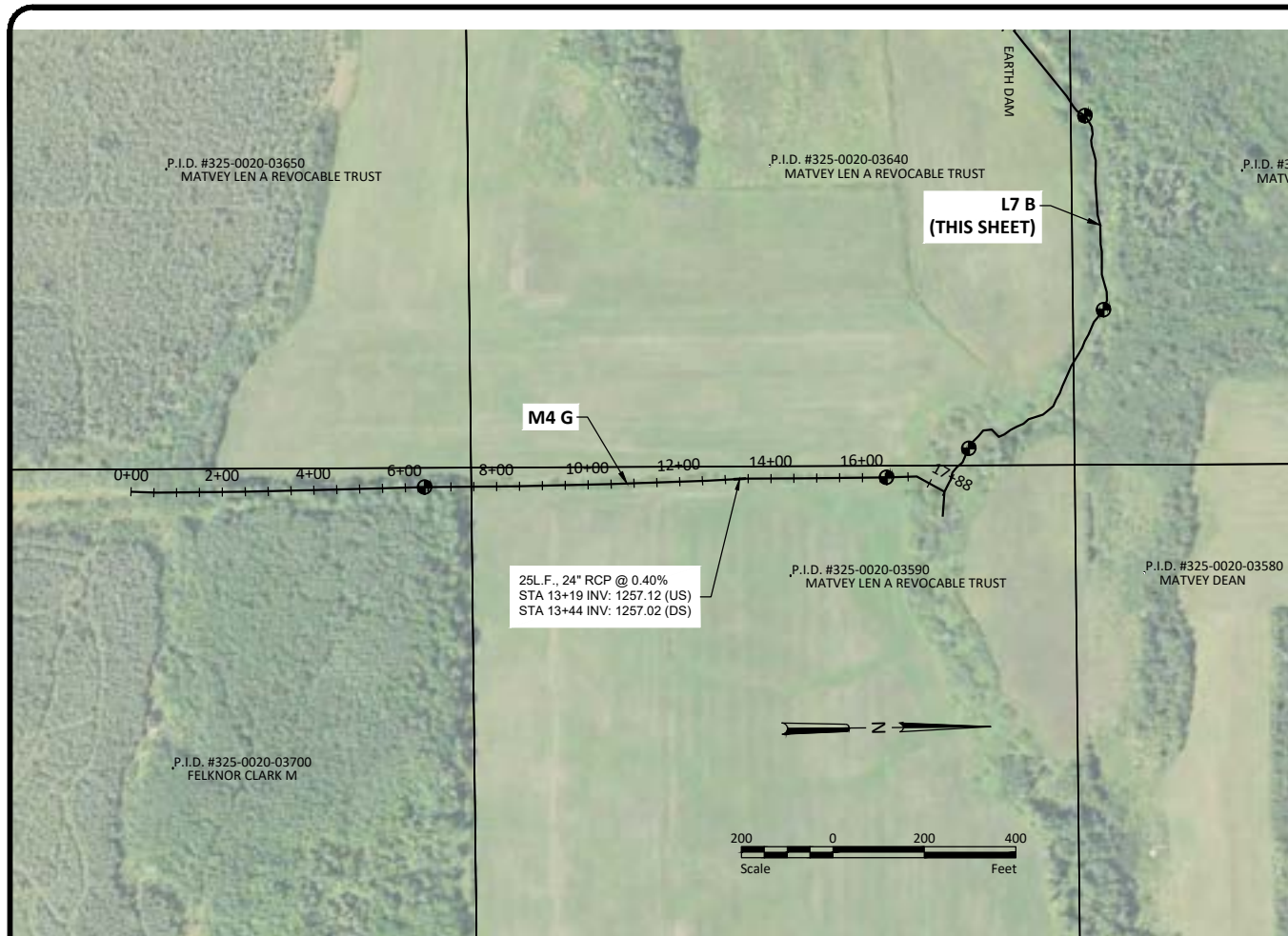
Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L6 C
PROJECT NO. 10641-0003

SHEET
12

H:\Maple Grove\JRW\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-13 M4 G & L7 B-5/31/2022 11:38 AM-(klund)



No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

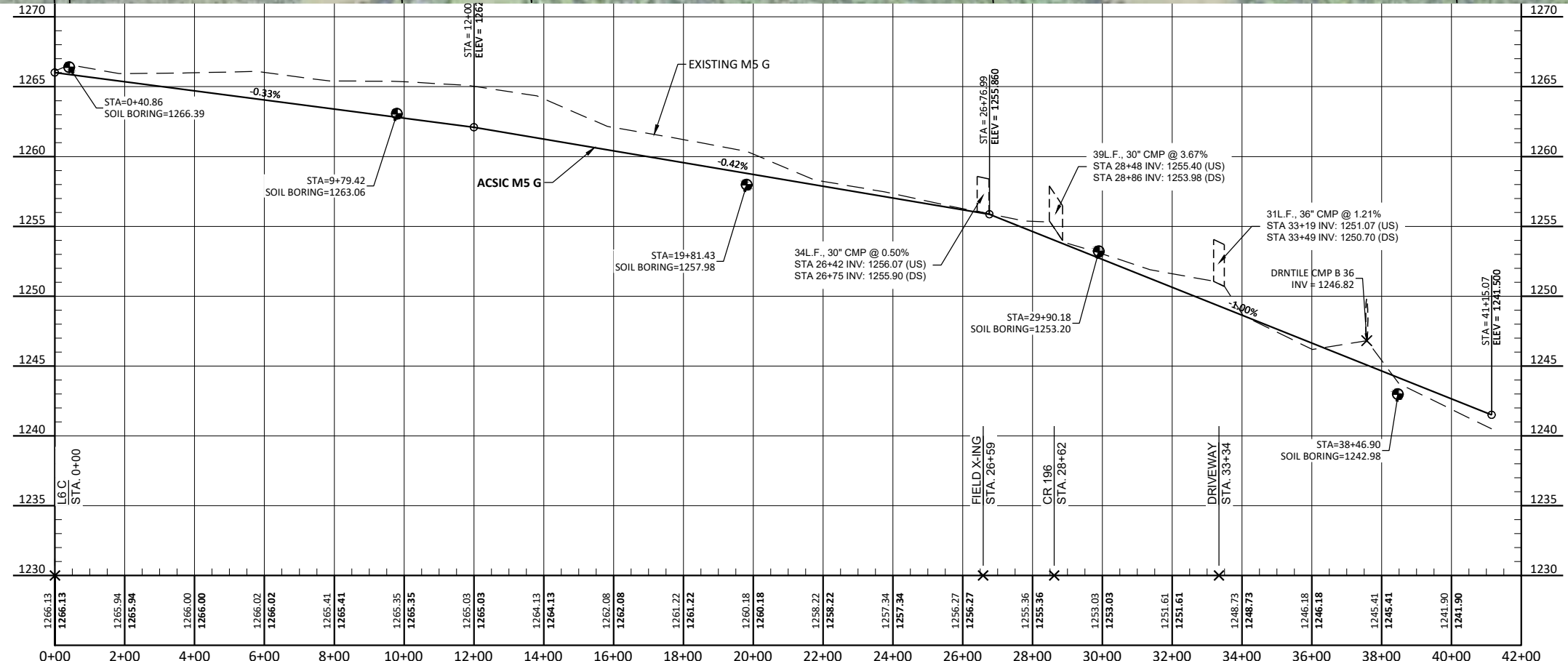


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M4 G & L7 B
PROJECT NO. 10641-0003

SHEET
13



H:\Maple Grove\JBN\106000\10641_0003\CAD\Plans\10641_0003_Plan & Profile_South.dwg-14 M5 G-5/31/2022 11:38 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

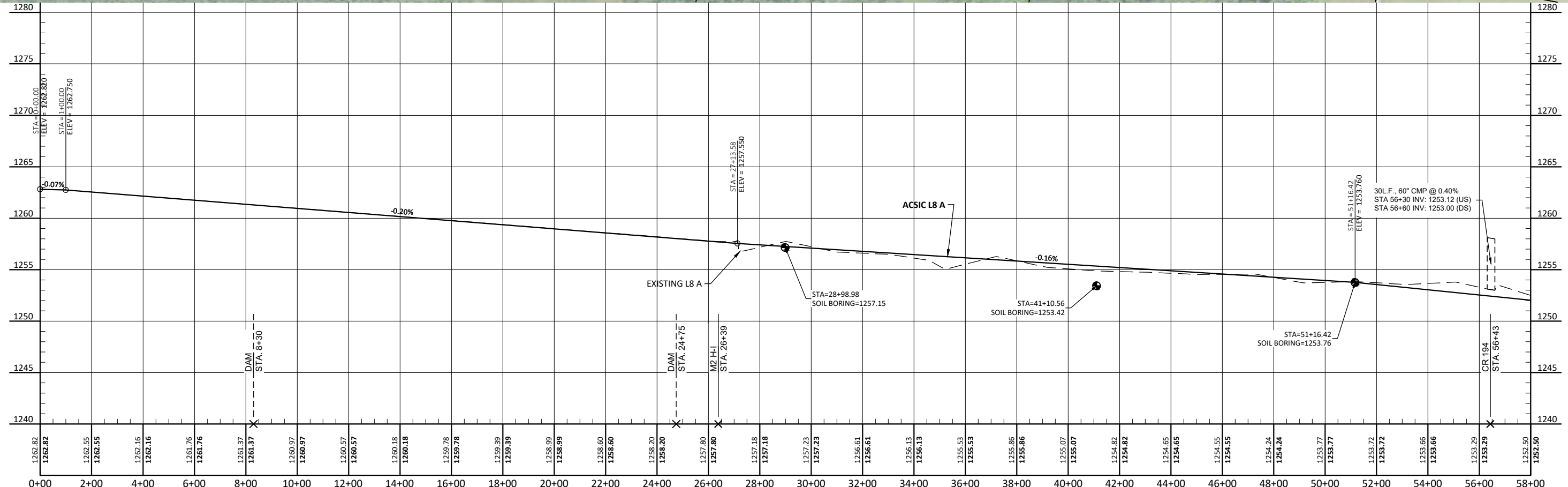
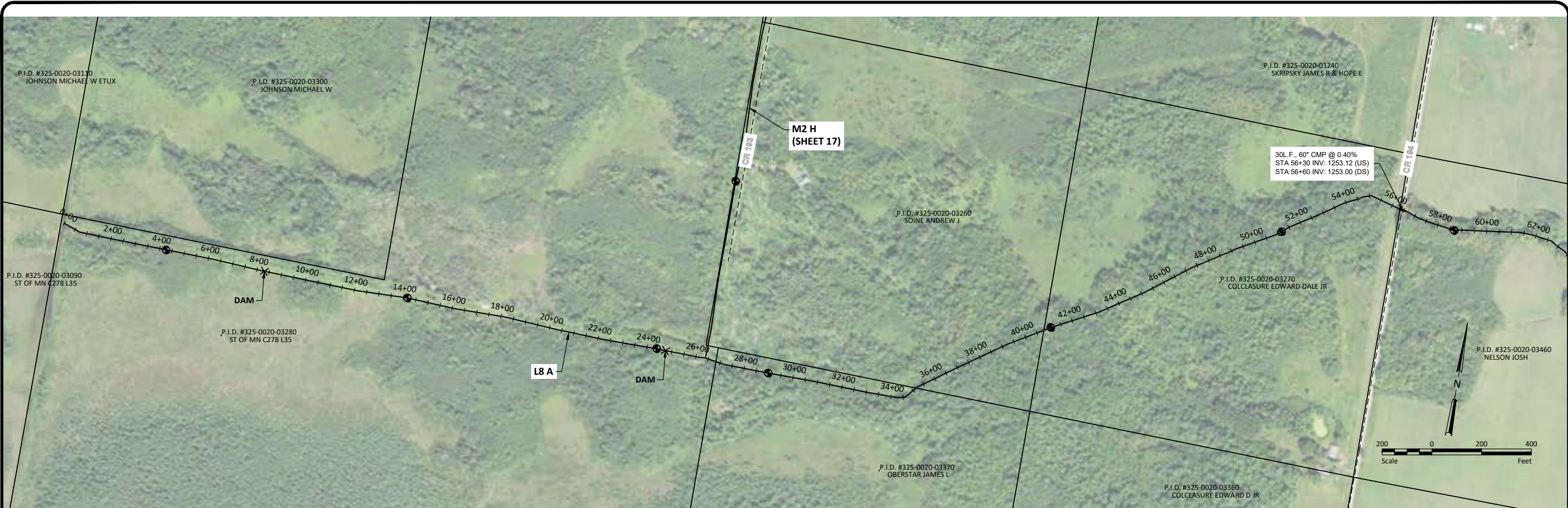


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M5 G
PROJECT NO. 10641-0003

SHEET
14



H:\Maple Grove\JBA\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-15 L8 A-B-5/31/2022 11:38 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

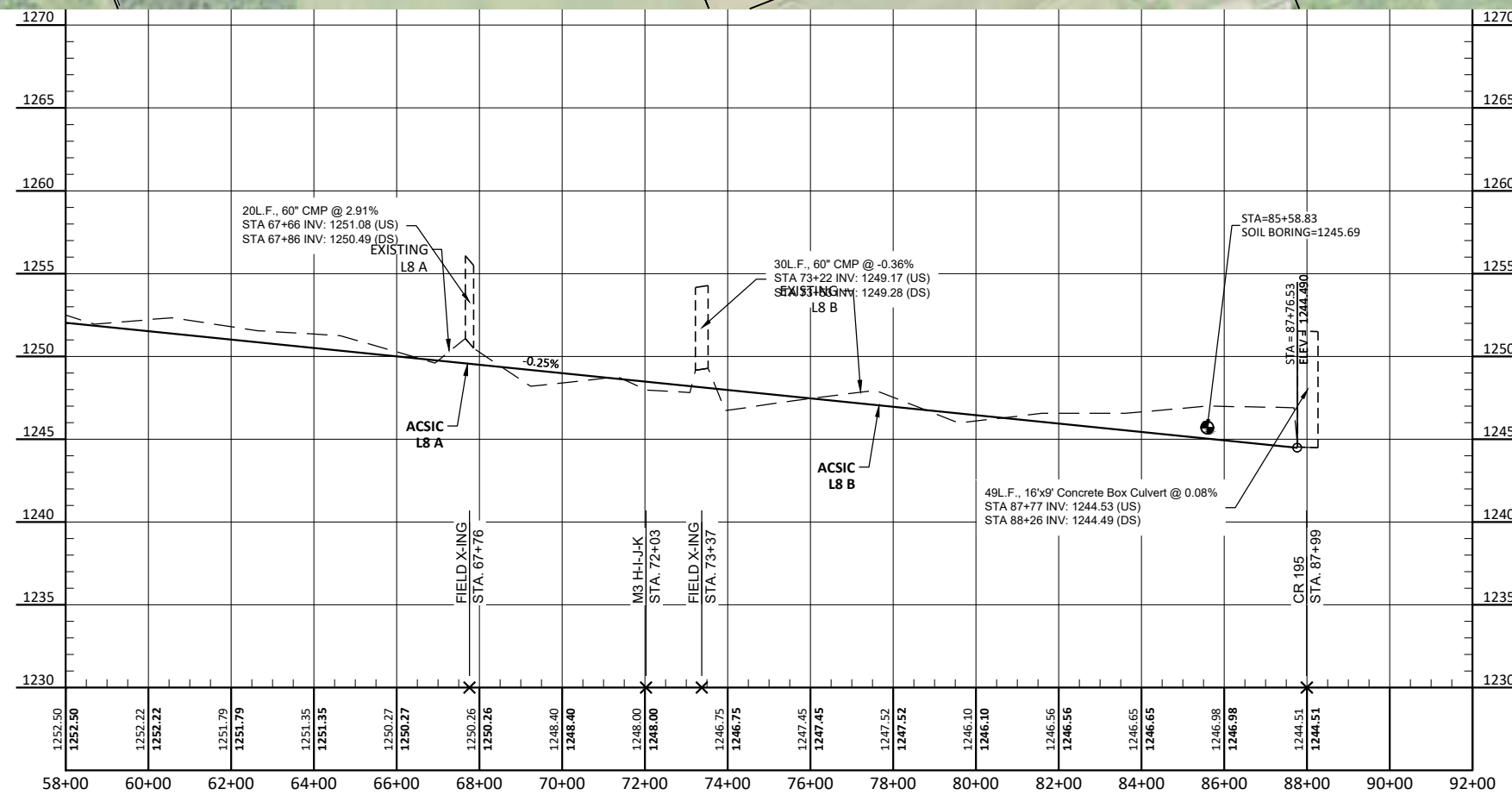
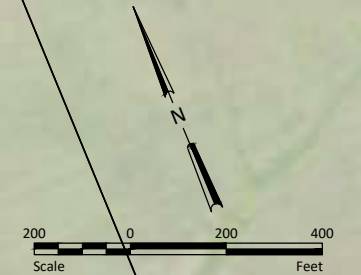
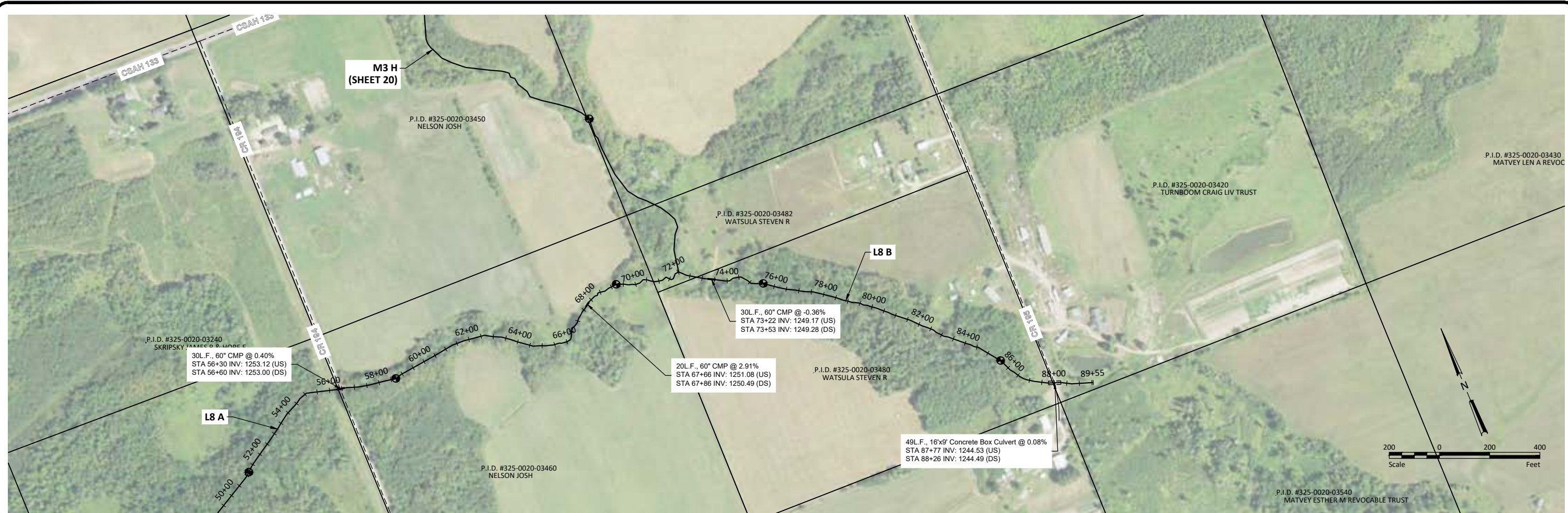


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L8 A-B
PROJECT NO. 10641-0003

SHEET
15



H:\Maple Grove\JBN\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-16 L8 A-B-5/31/2022 11:38 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

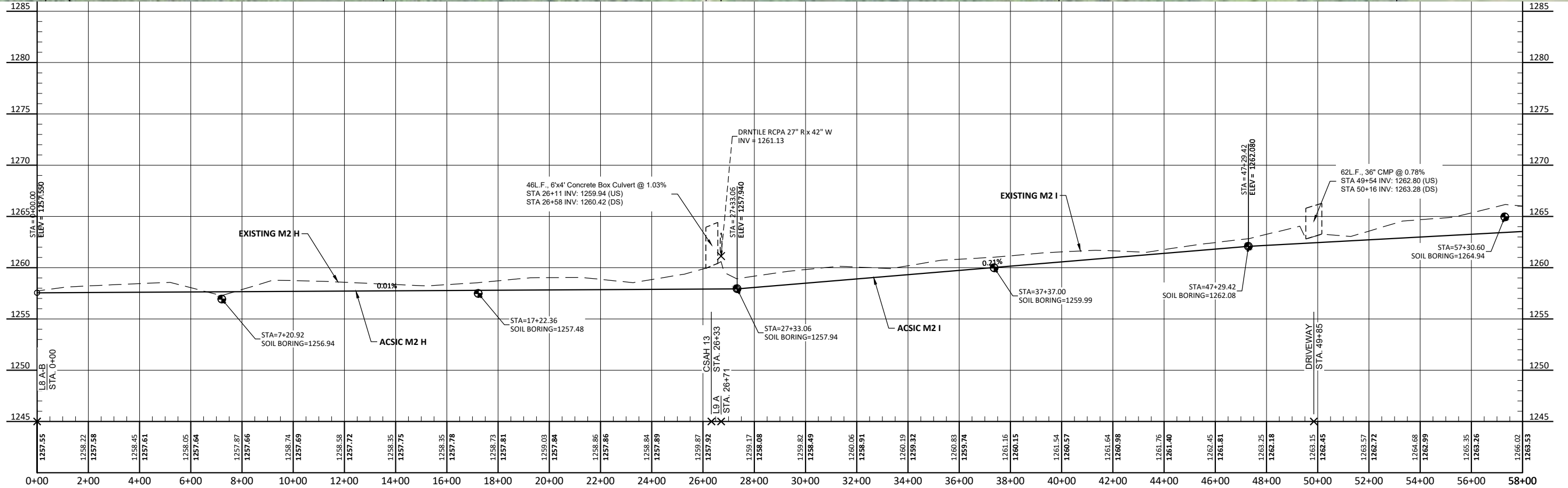
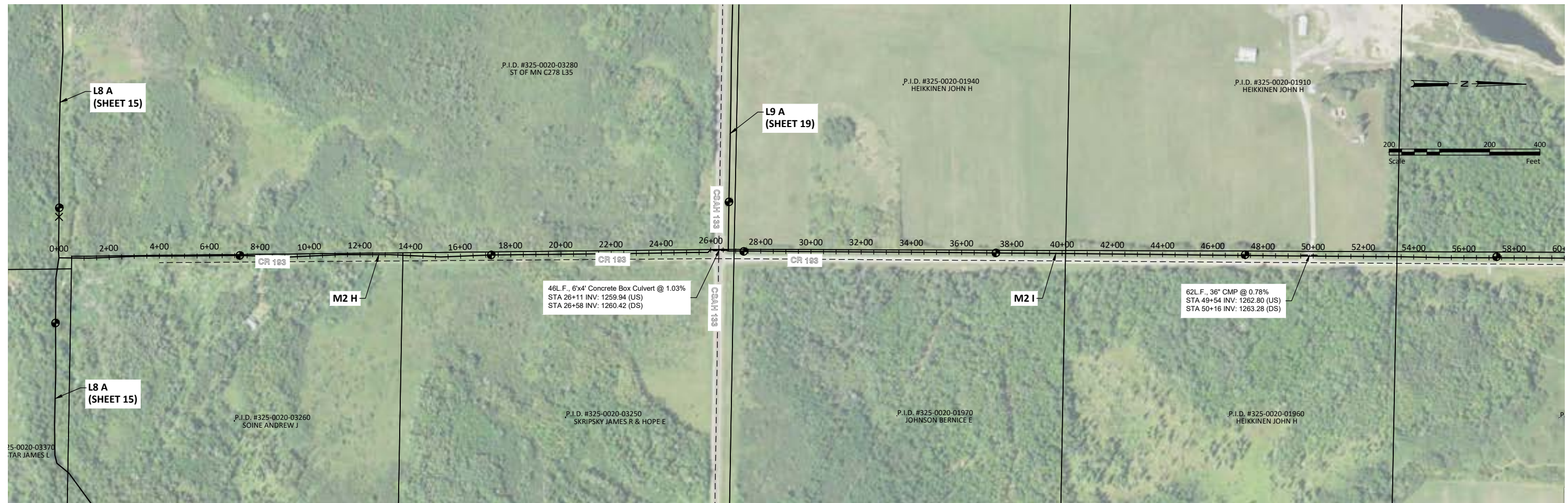


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L8 A-B
PROJECT NO. 10641-0003

SHEET
16



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-17 M2 H-I-5/31/2022 11:38 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

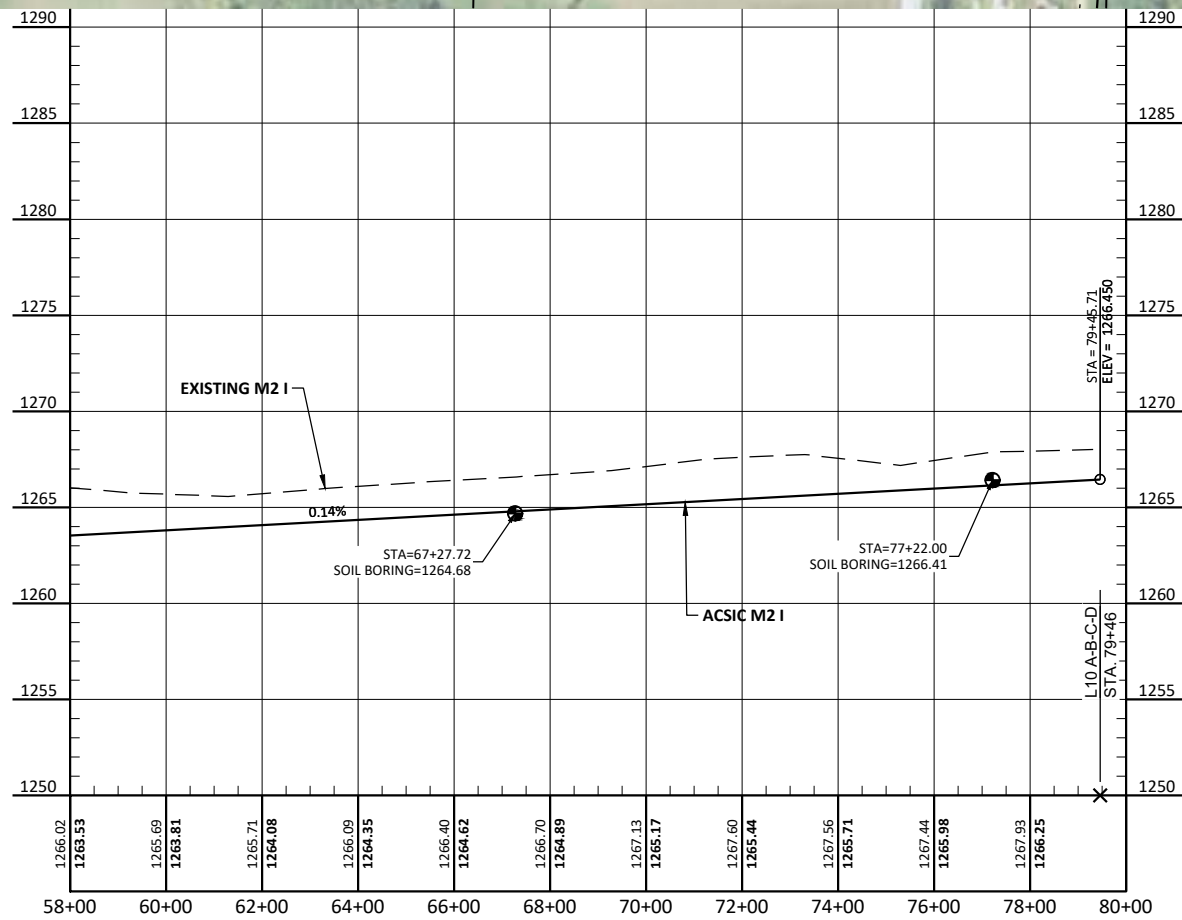
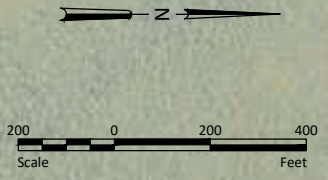


Drawn by: KJL
Checked by: CCO
Date: 05-31-2022
Scale: AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M2 H-I
PROJECT NO. 10641-0003

SHEET
17



H:\Maple Grove\JBN\10600\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-18 M2 H-I-5/31/2022 11:38 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

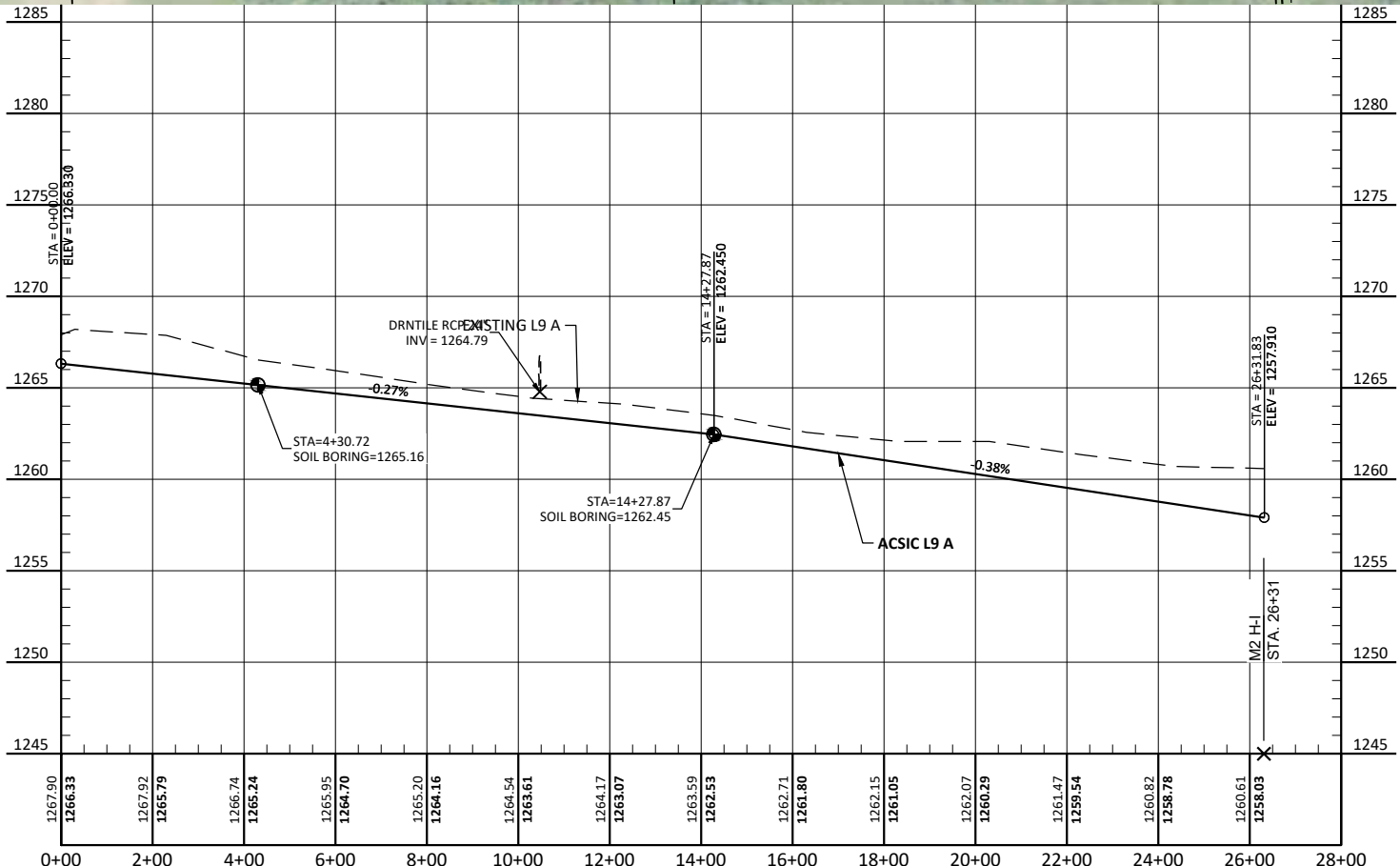
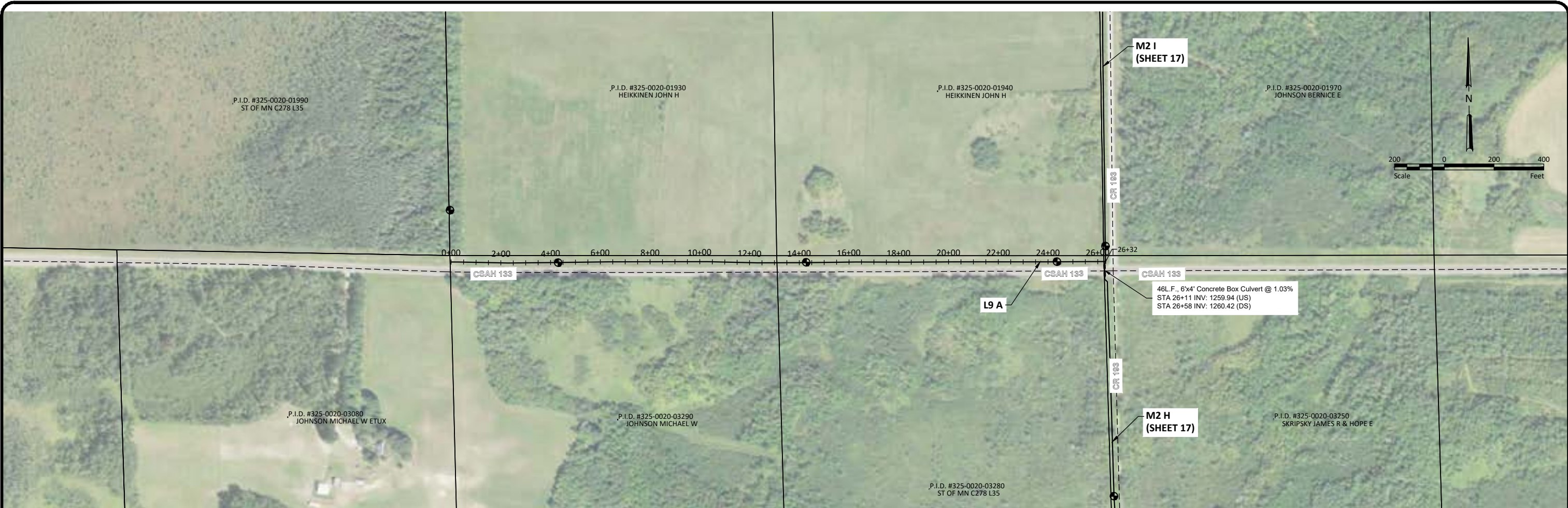


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M2 H-I
PROJECT NO. 10641-0003

SHEET
18



H:\Maple Grove\UBN\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-19 L9 A-5/31/2022 11:39 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

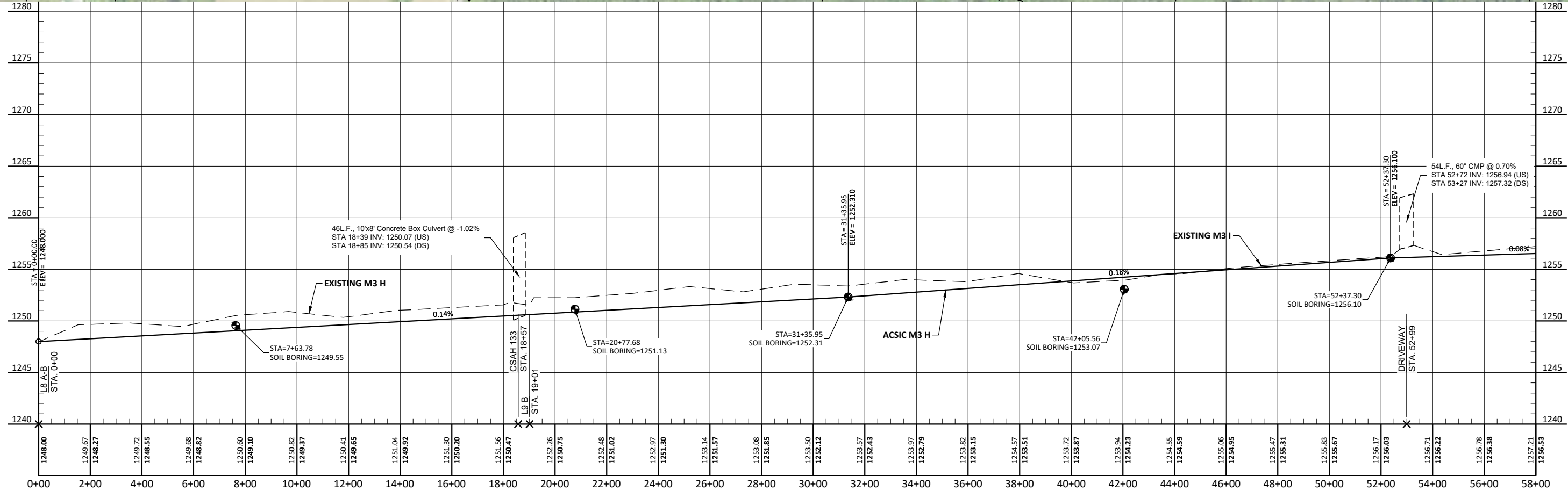
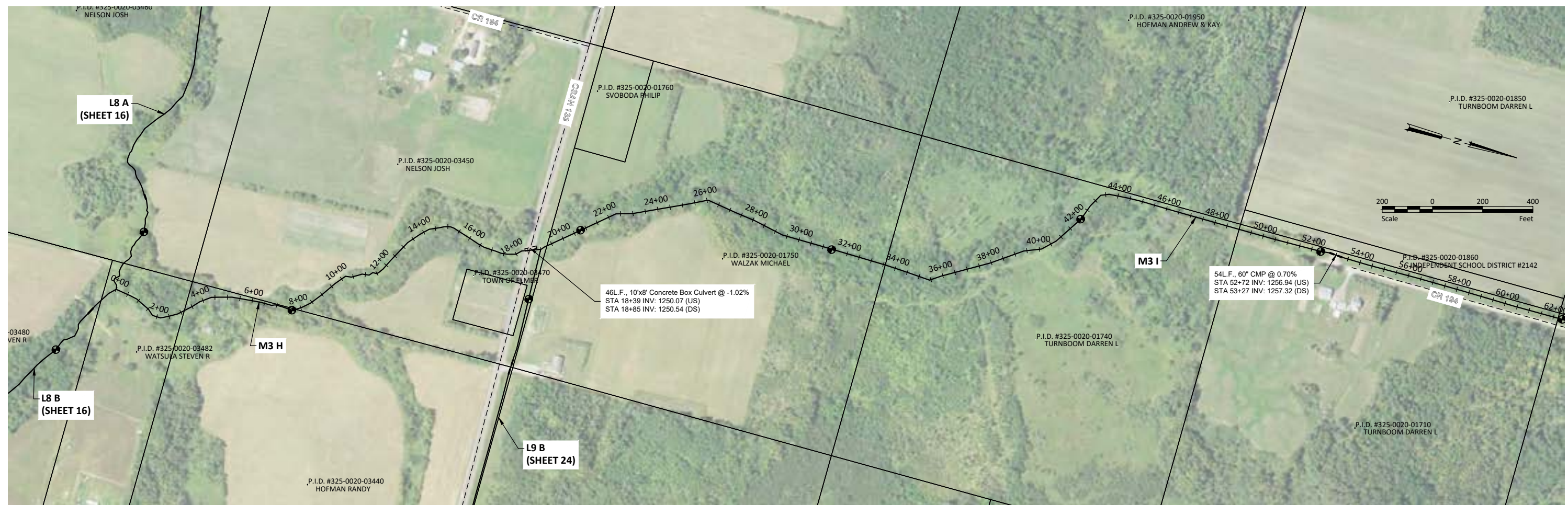


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L9 A
PROJECT NO. 10641-0003

SHEET
19



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-20 M3 H-I-J-5/31/2022 11:39 AM:klund

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

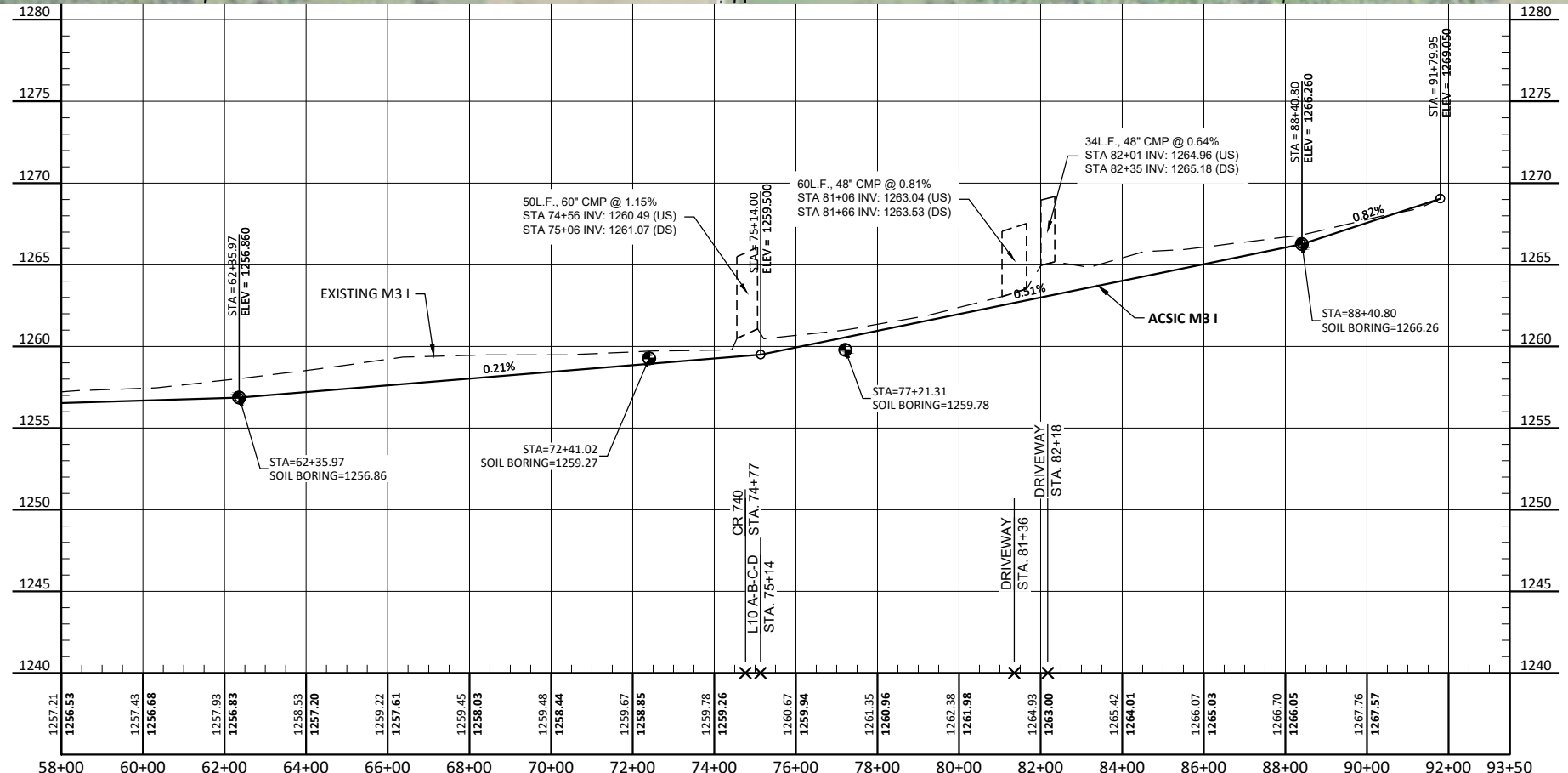
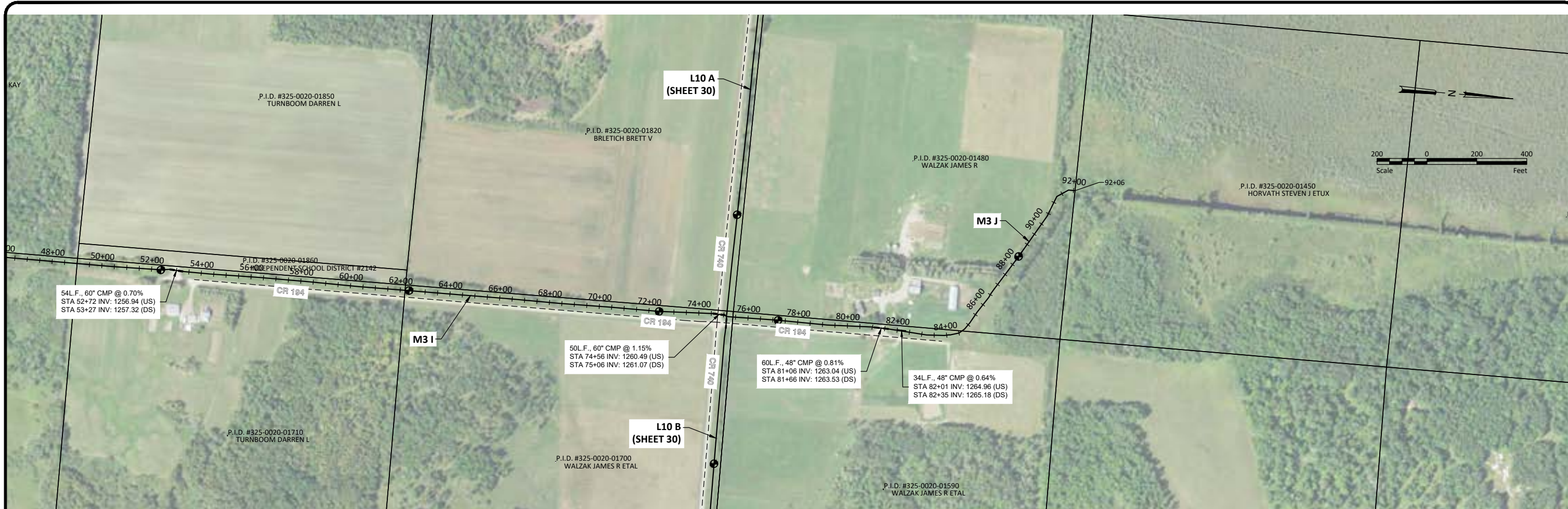


Drawn by: KJL
Date: 05-31-2022
Checked by: CCO
Scale: AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M3 H-I-J
PROJECT NO. 10641-0003

SHEET
20



H:\Maple Grove\JBA\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-21 M3 H-I-J-15/31/2022 11:39 AM:kjund

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

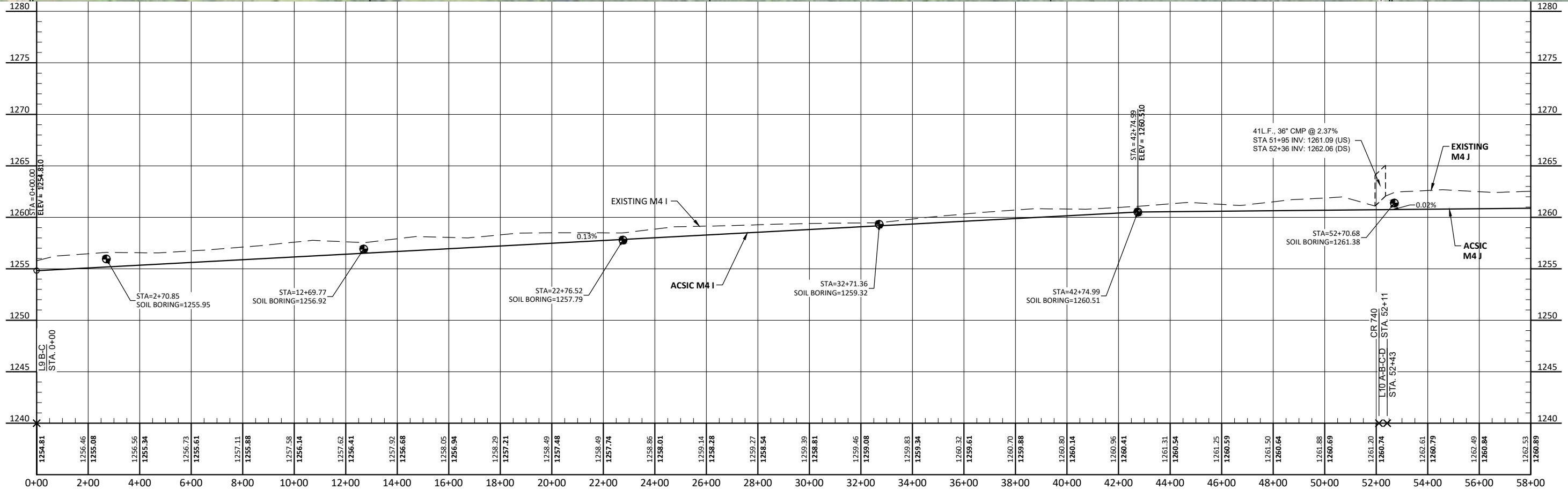
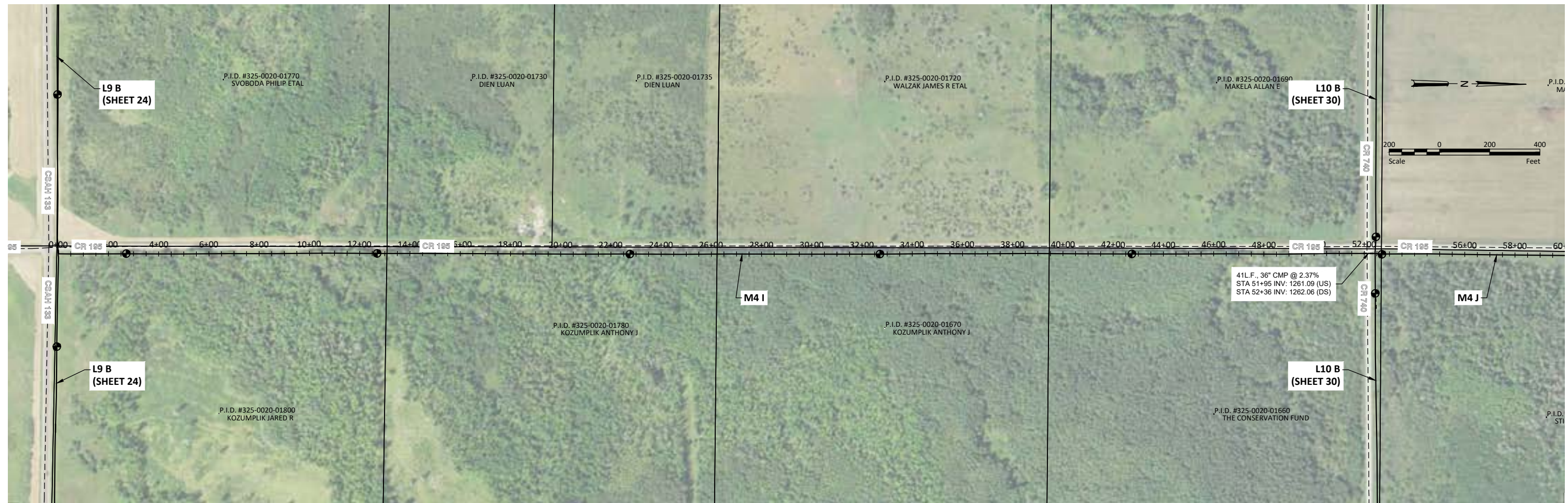


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M3 H-I-J
PROJECT NO. 10641-0003

SHEET
21



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-22 M4 I-J-5/31/2022 11:39 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

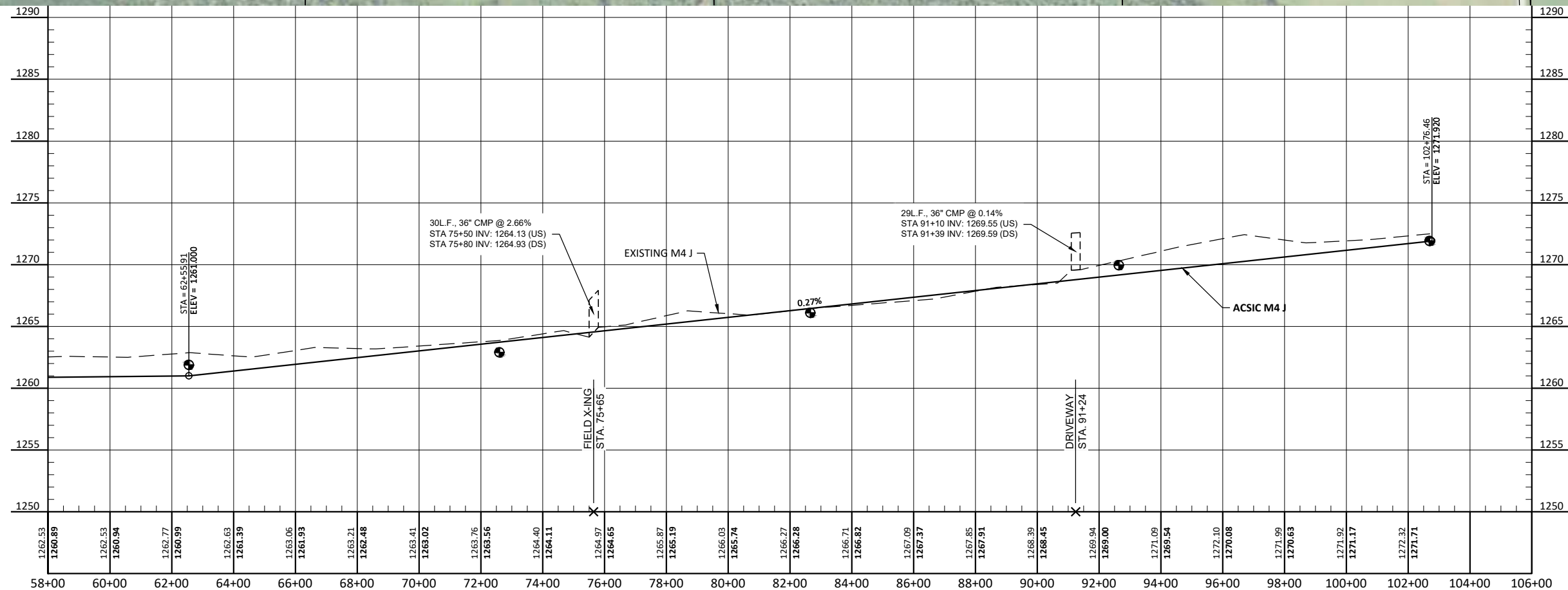
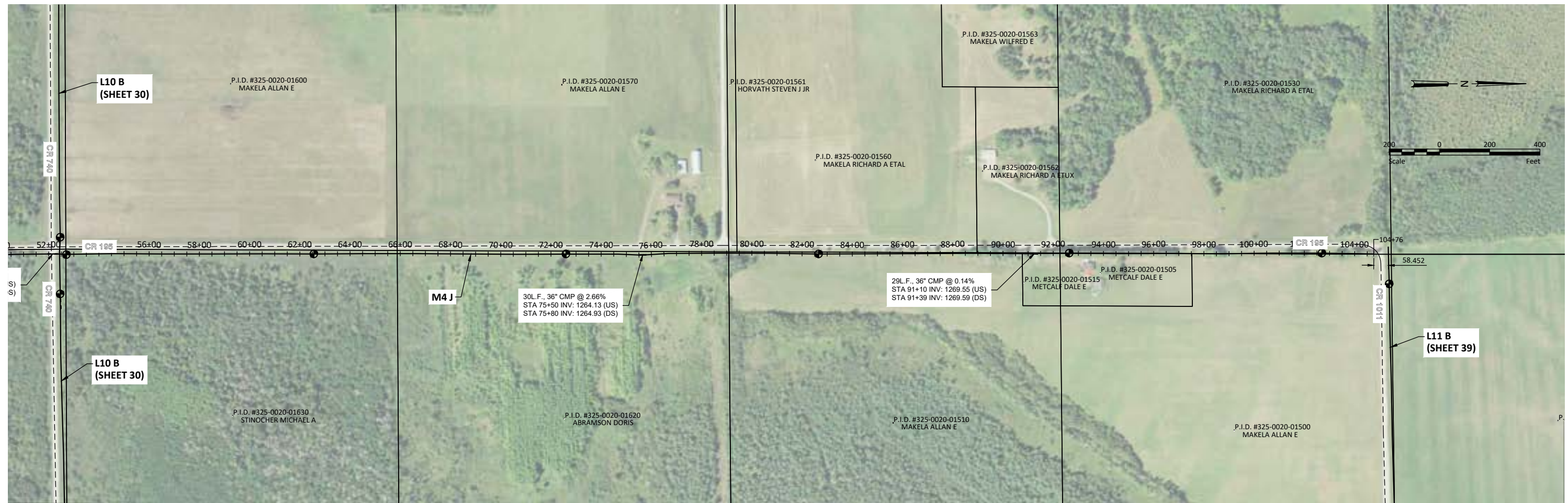


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M4 I-J
PROJECT NO. 10641-0003

SHEET
22



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-23 M4 I-J-5/31/2022 11:39 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

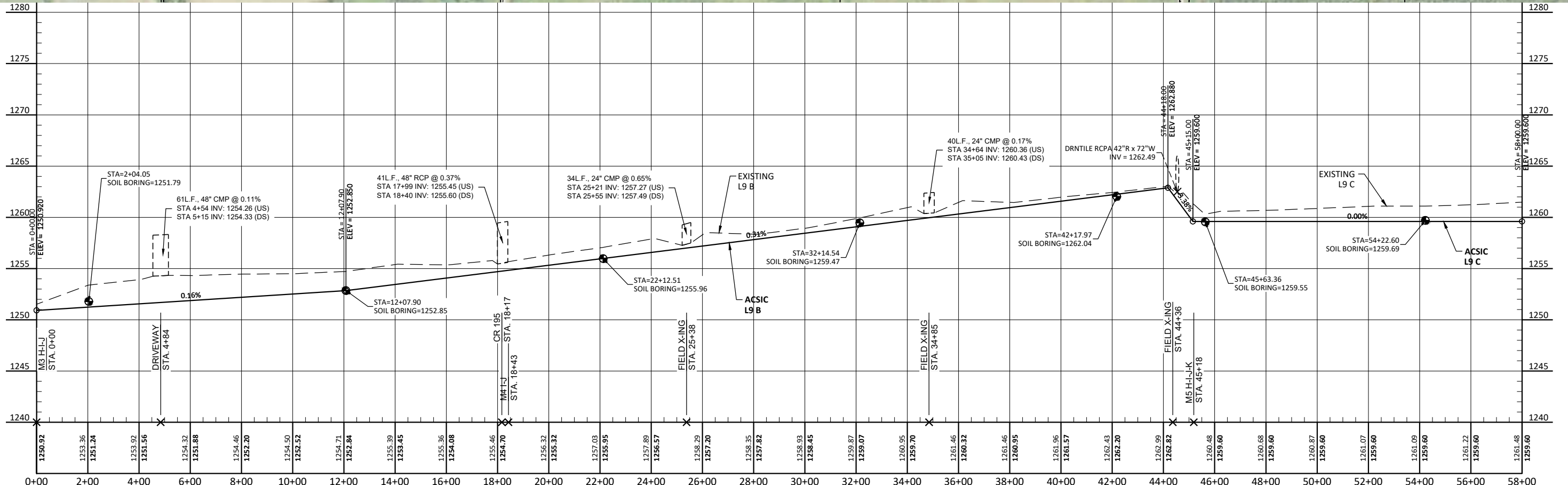
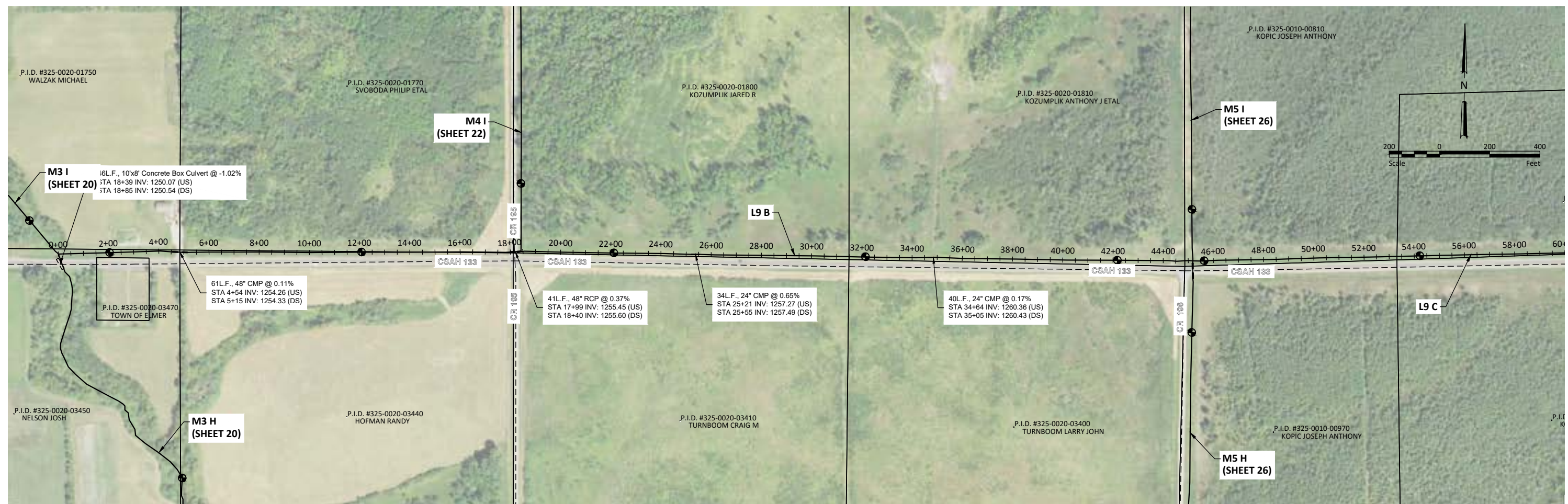


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M4 I-J
PROJECT NO. 10641-0003

SHEET
23



H:\Maple Grove\JBA\106000\10641\0641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-24 L9 B-C-5/31/2022 11:39 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

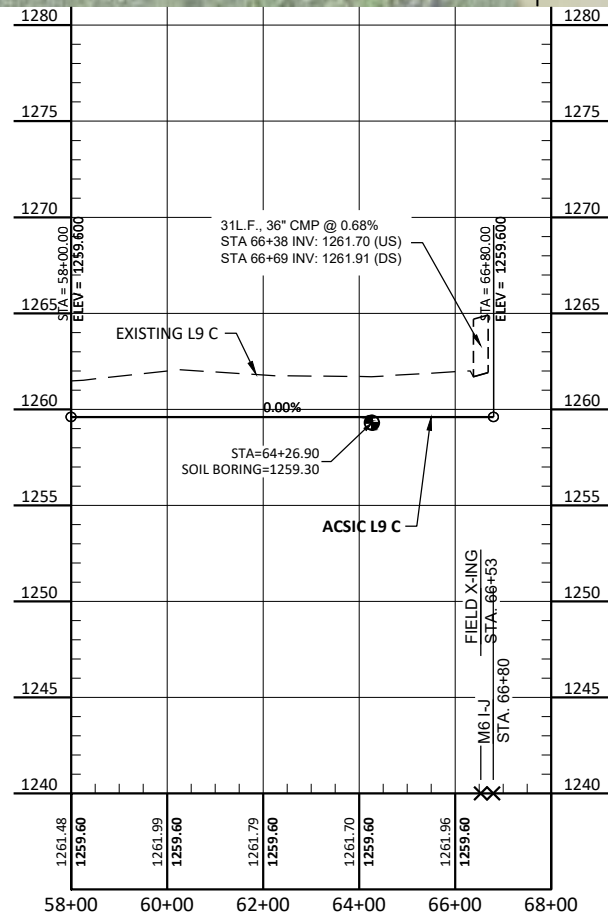
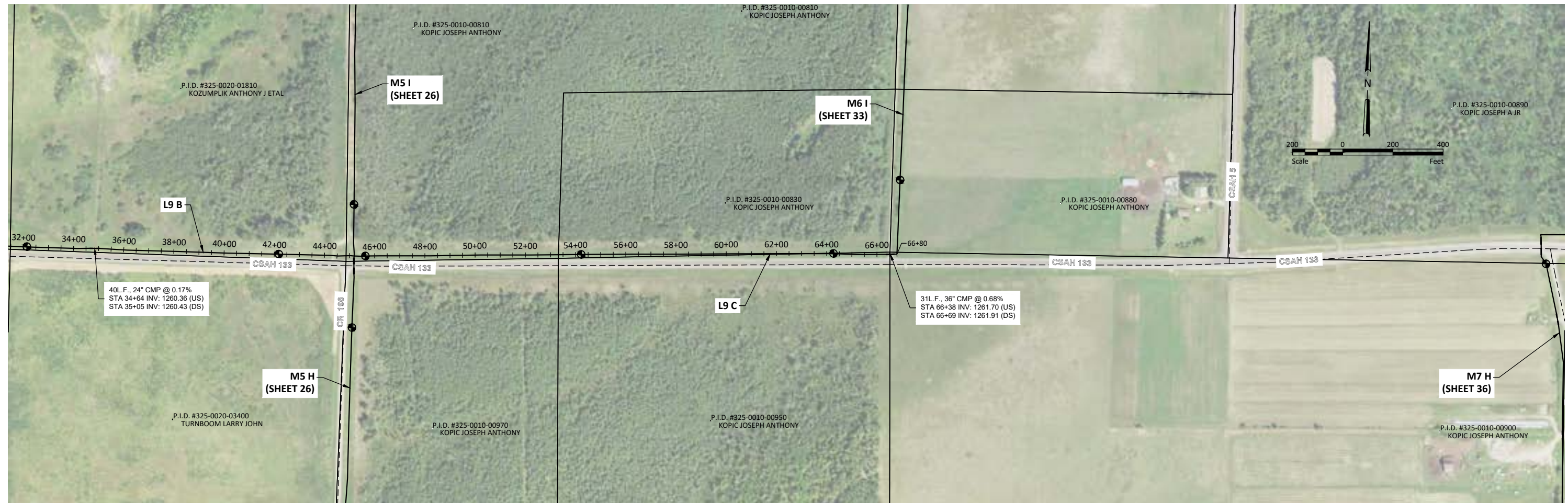


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L9 B-C
PROJECT NO. 10641-0003

SHEET
24



H:\Maple Grove\UBN\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-25 L9 B-C-5/31/2022 11:39 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

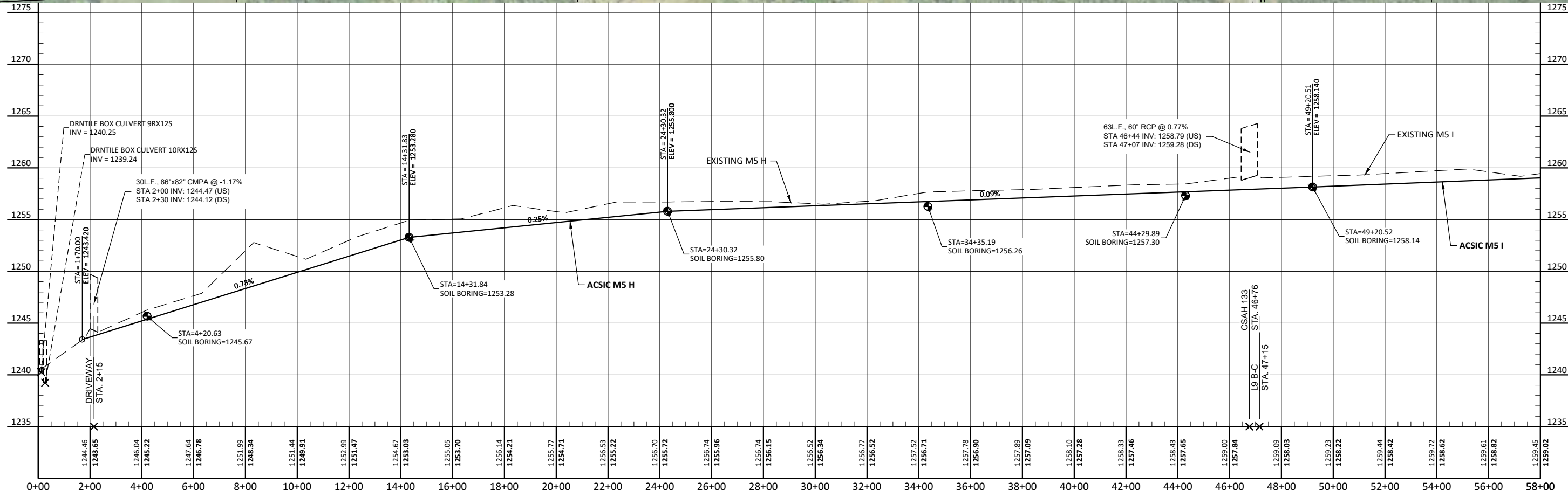
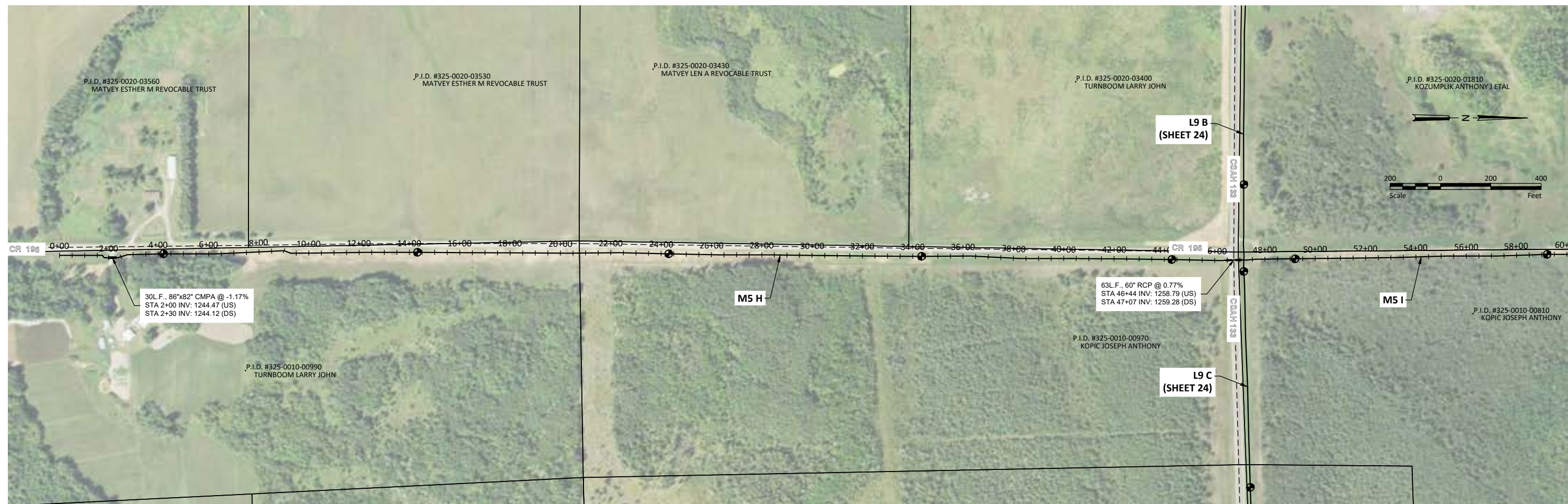


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L9 B-C
PROJECT NO. 10641-0003

SHEET
25



H:\Maple Grove\JBN\106000\10641\0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-26 M5 H-I-J-K-5/31/2022 11:40 AM-k(lund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

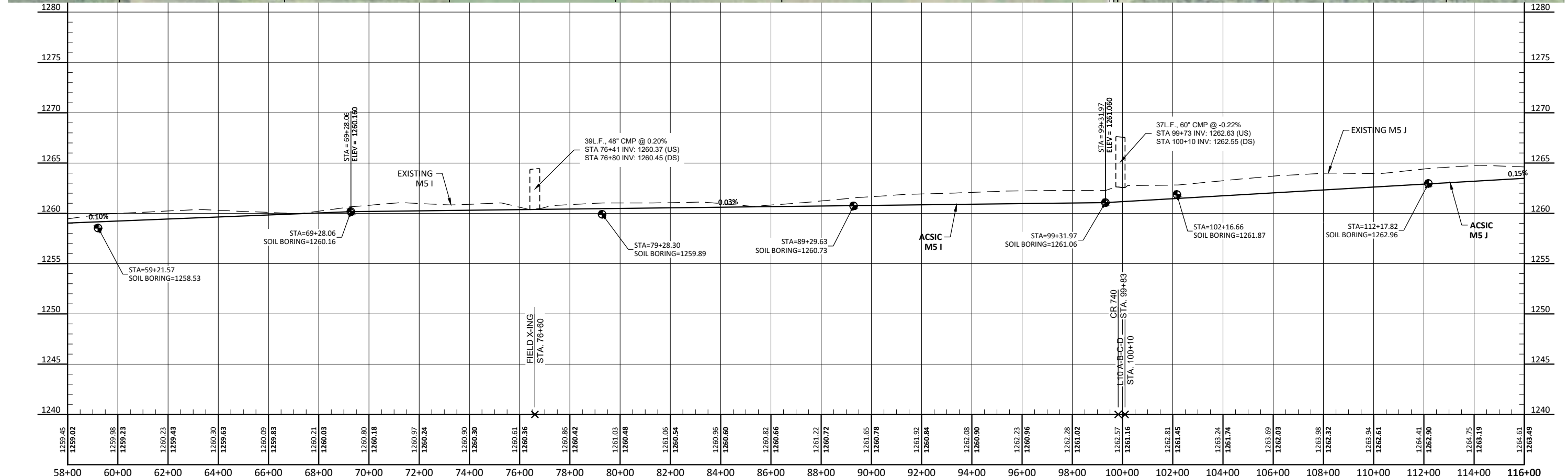
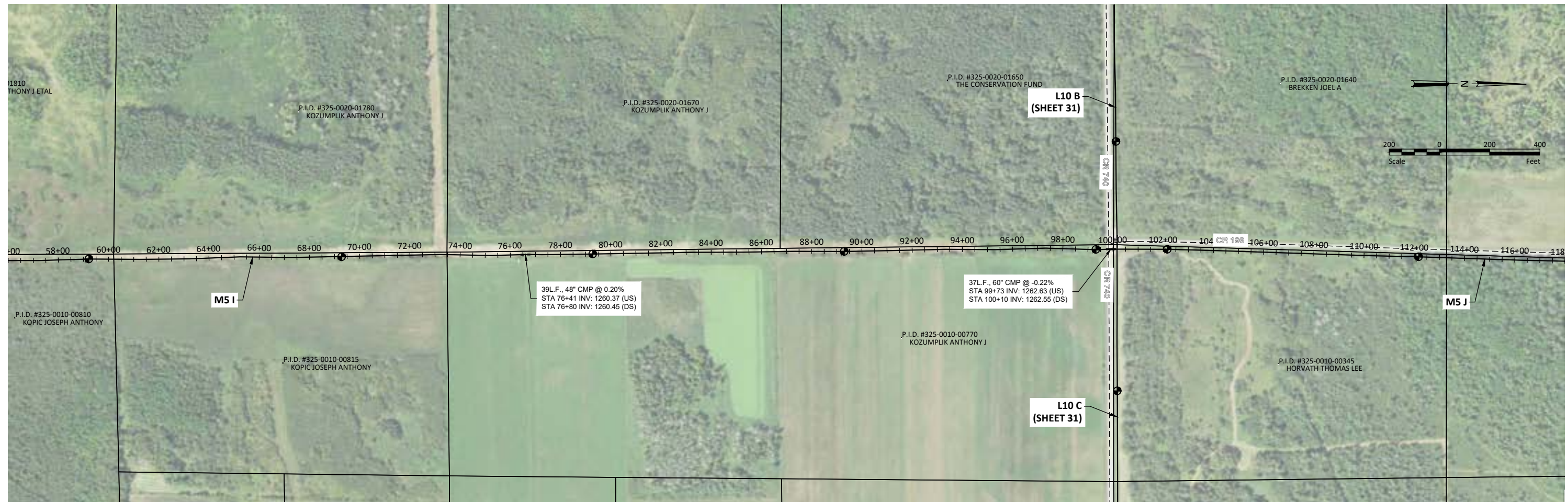


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M5 H-I-J-K
PROJECT NO. 10641-0003

SHEET
26



H:\Maple Grove\JBA\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-27 M5 H-I-J-K-5/31/2022 11:40 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

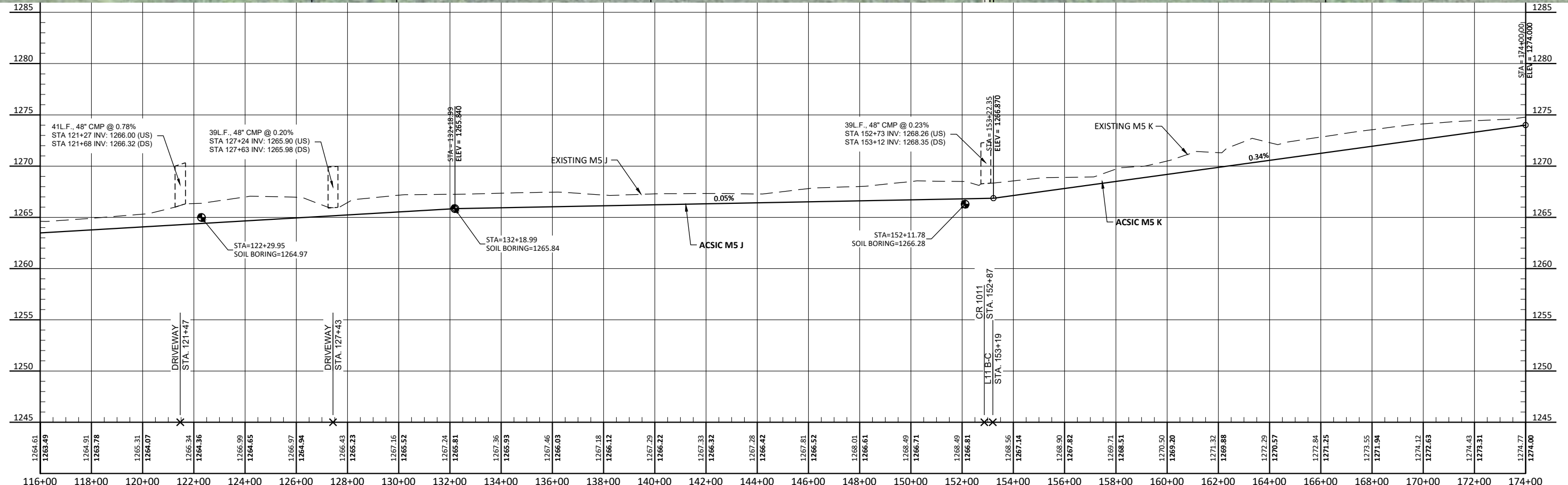
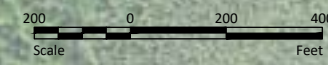
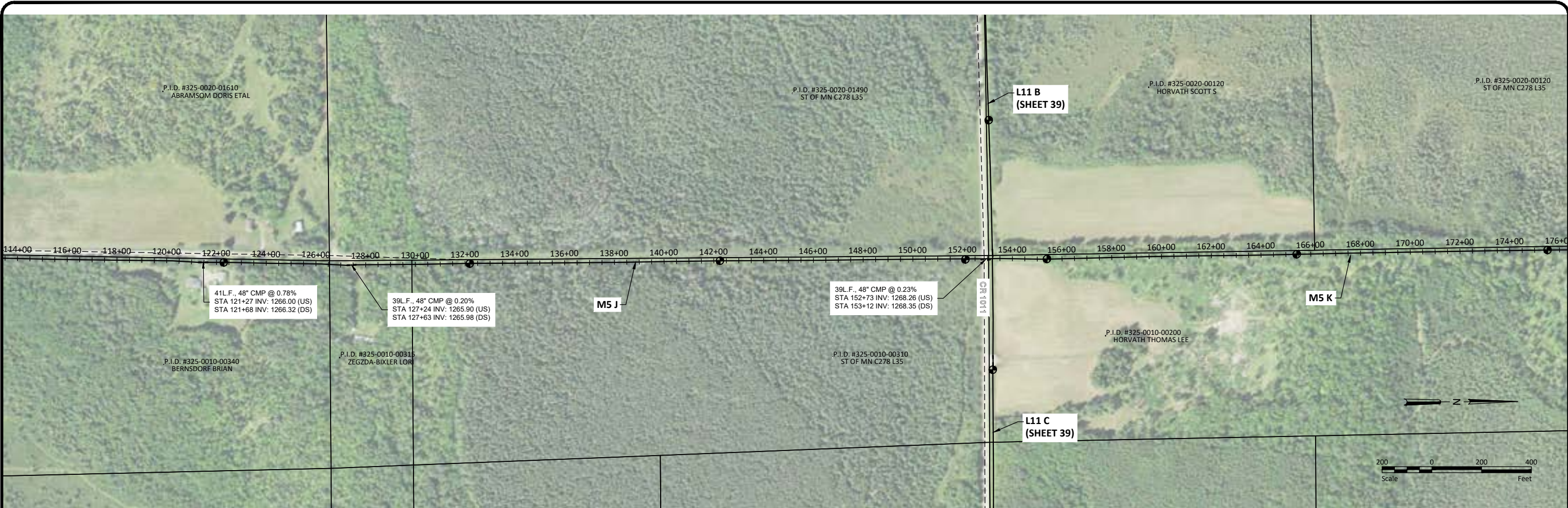


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M5 H-I-J-K
PROJECT NO. 10641-0003

SHEET
27



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-28 M5 H-I-J-K-5/31/2022 11:40 AM-klund

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

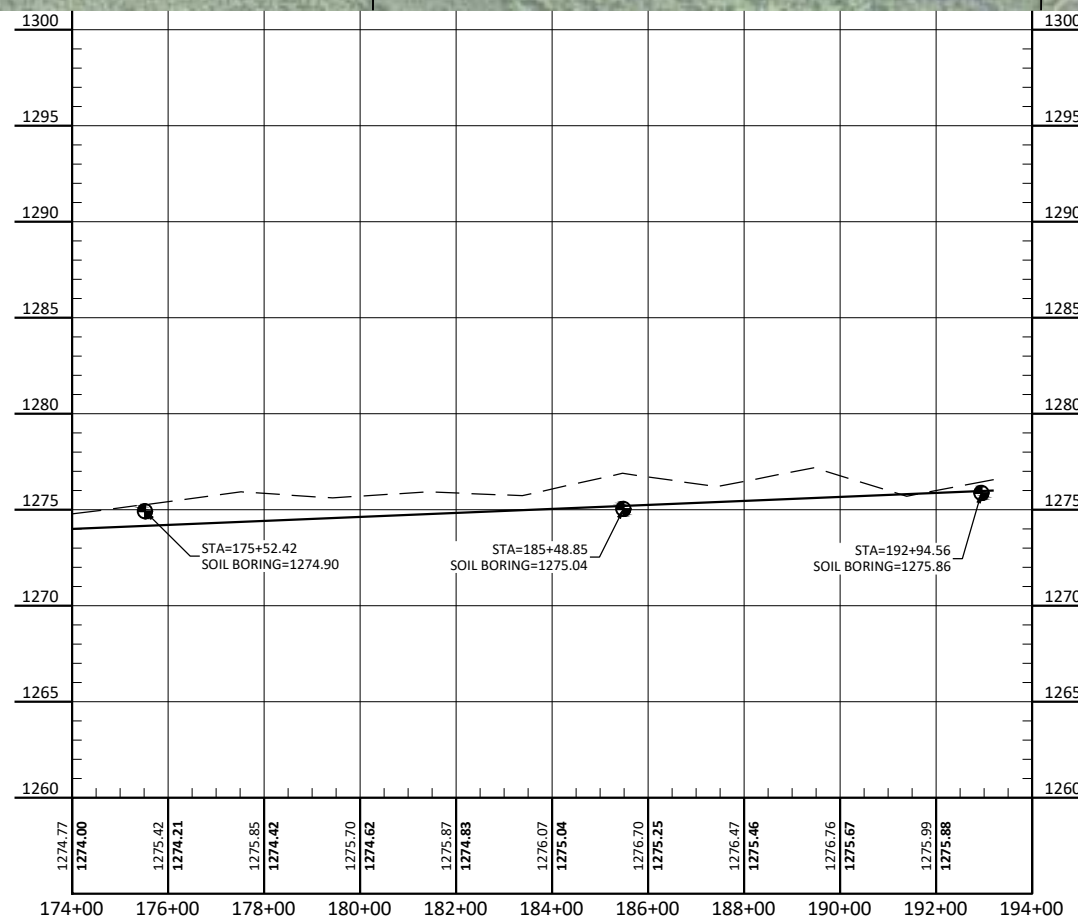
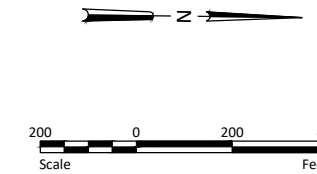
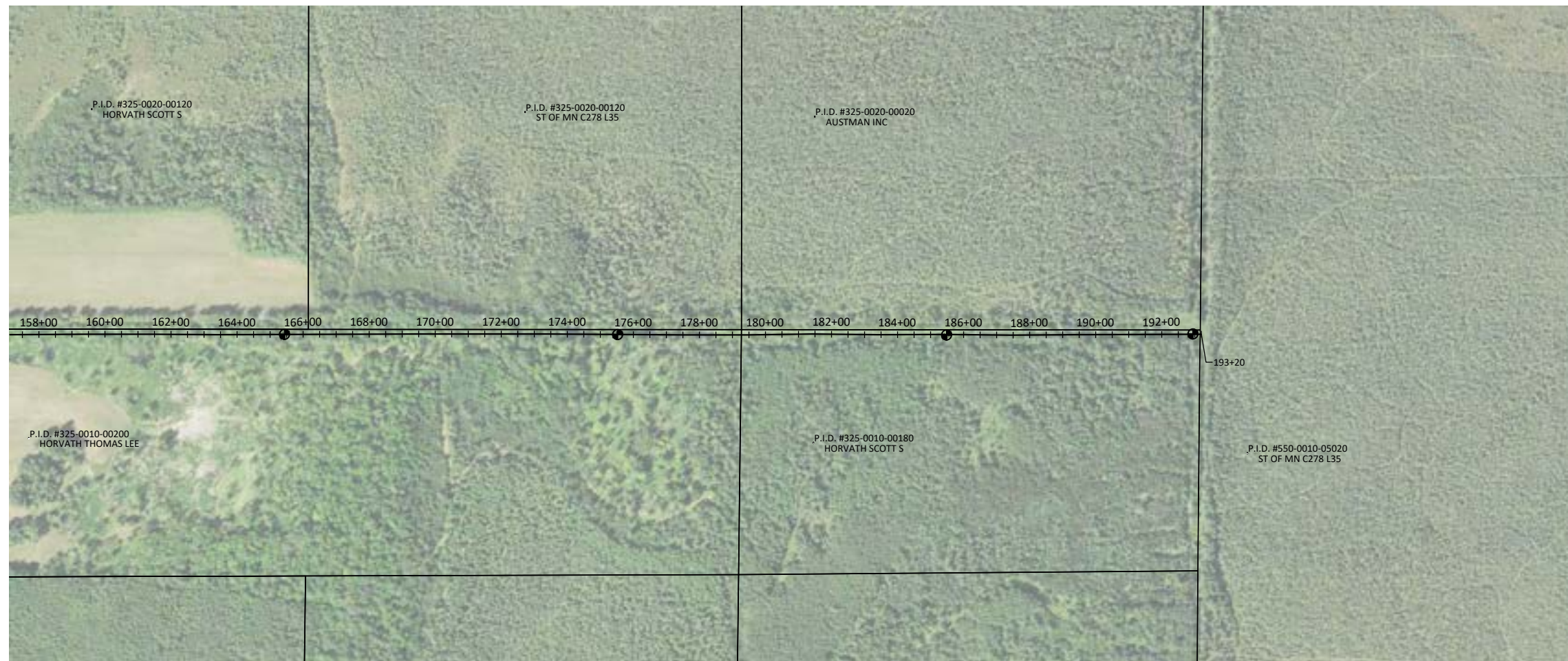


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M5 H-I-J-K
PROJECT NO. 10641-0003

SHEET
28



H:\Maple Grove\JBA\10600\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-29 M5 H-I-J-K-5/31/2022 11:40 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

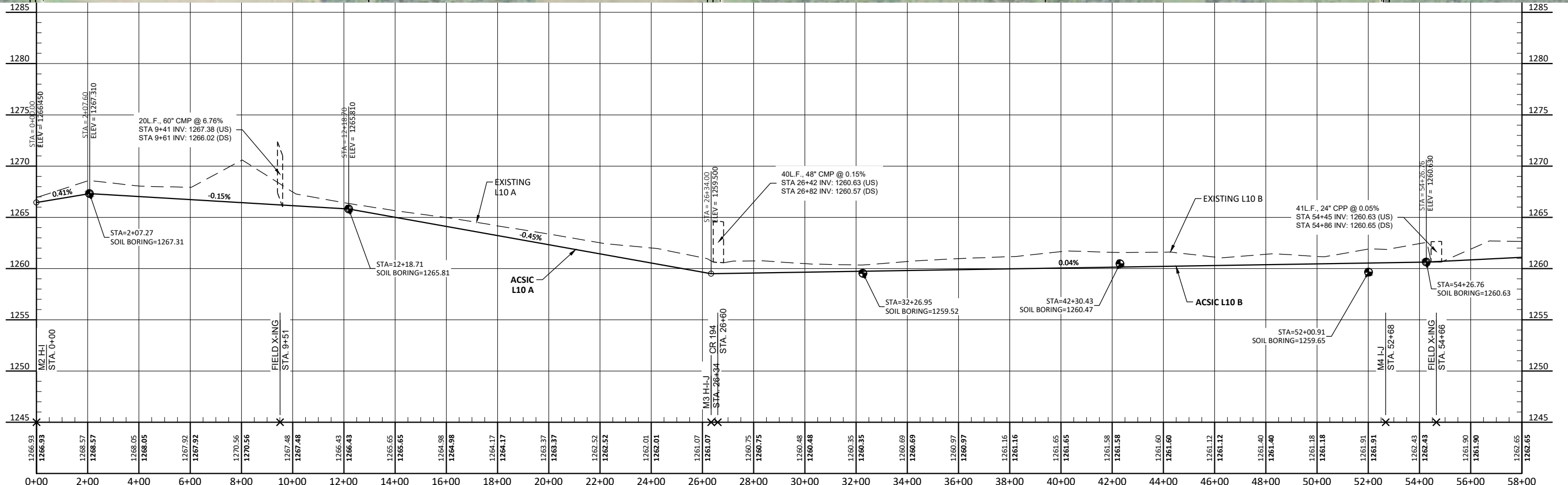
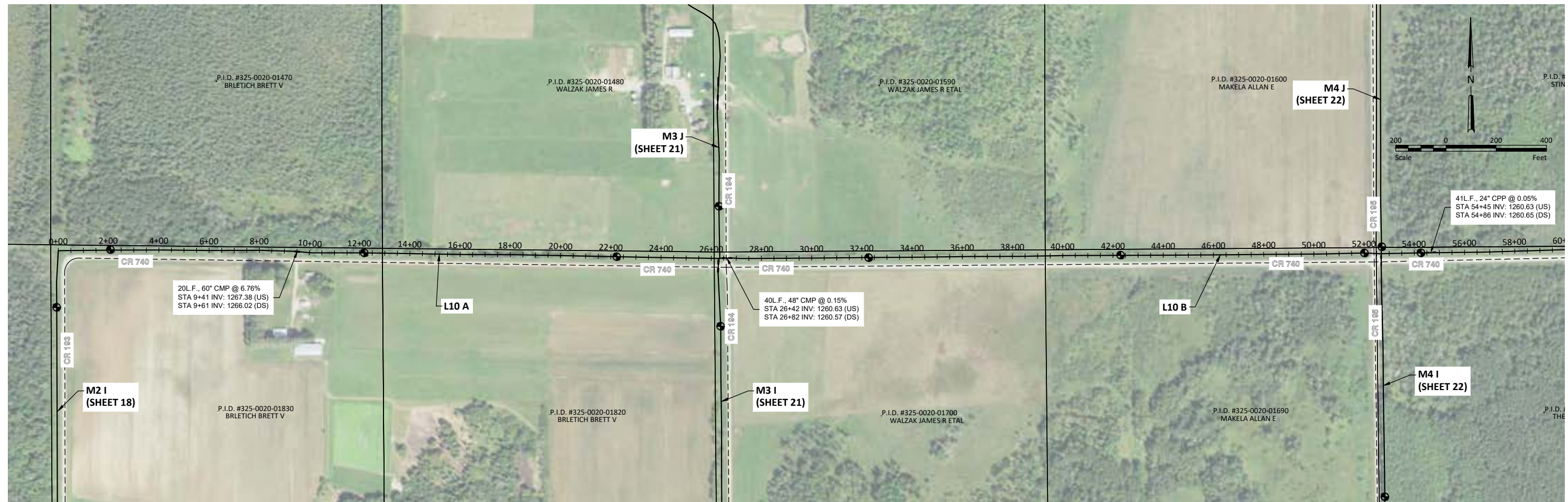


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M5 H-I-J-K
PROJECT NO. 10641-0003

SHEET
29



H:\Maple Grove\JBA\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-30 L10 A-B-C-D-5/31/2022 11:40 AM-(kfund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

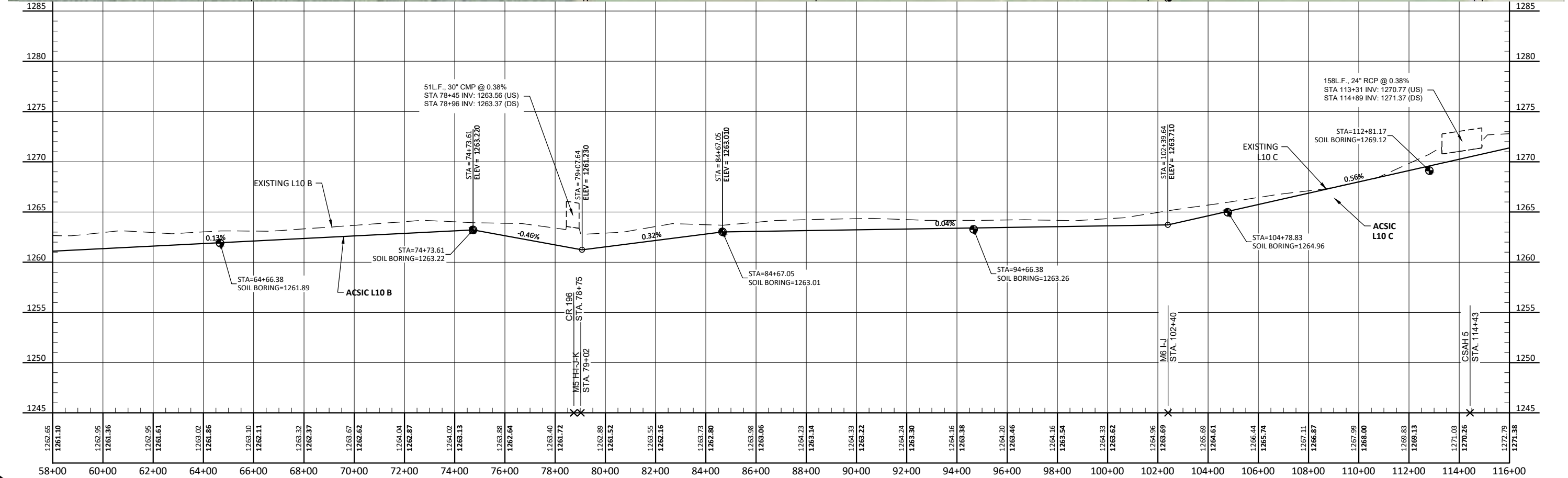
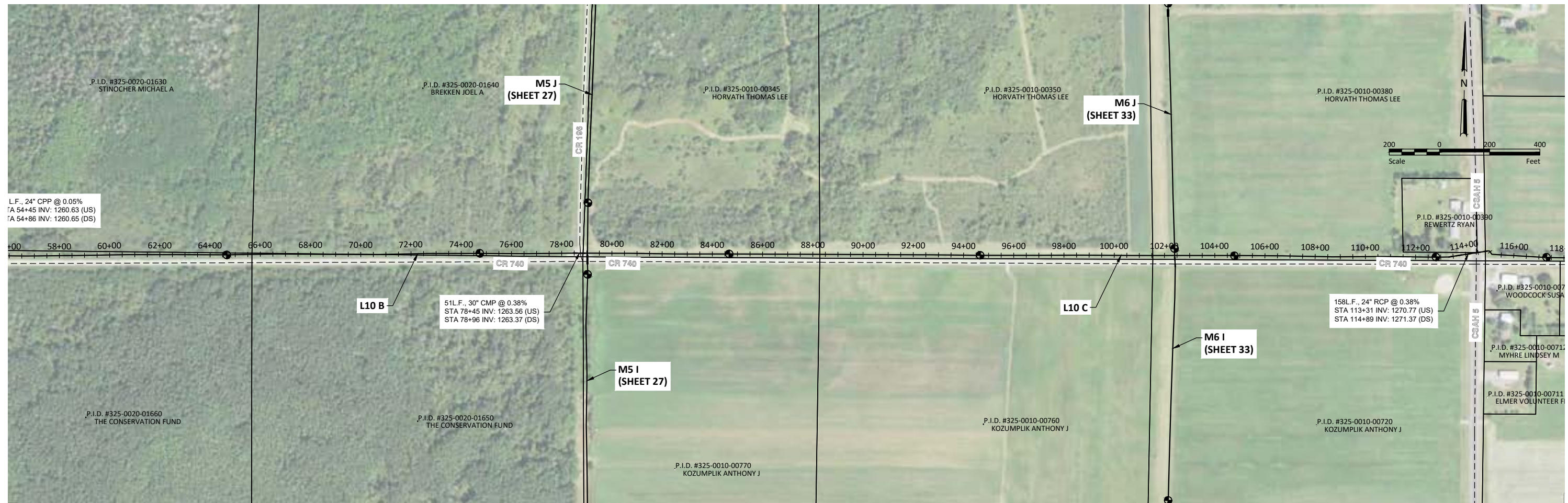


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L10 A-B-C-D
PROJECT NO. 10641-0003

SHEET
30



H:\Maple Grove\JBA\106000\10641\0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-31 L10 A-B-C-D-5/31/2022 11:40 AM-(kfund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

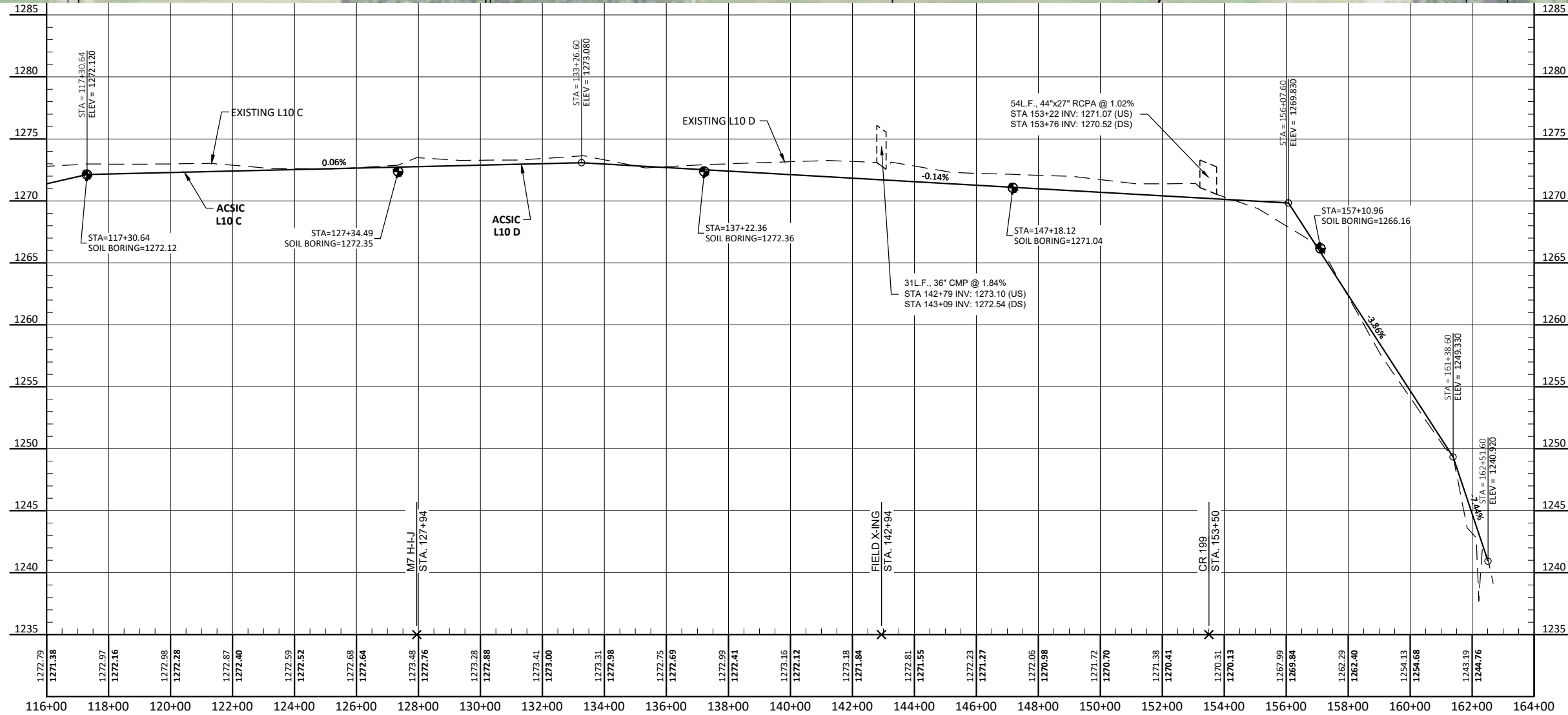
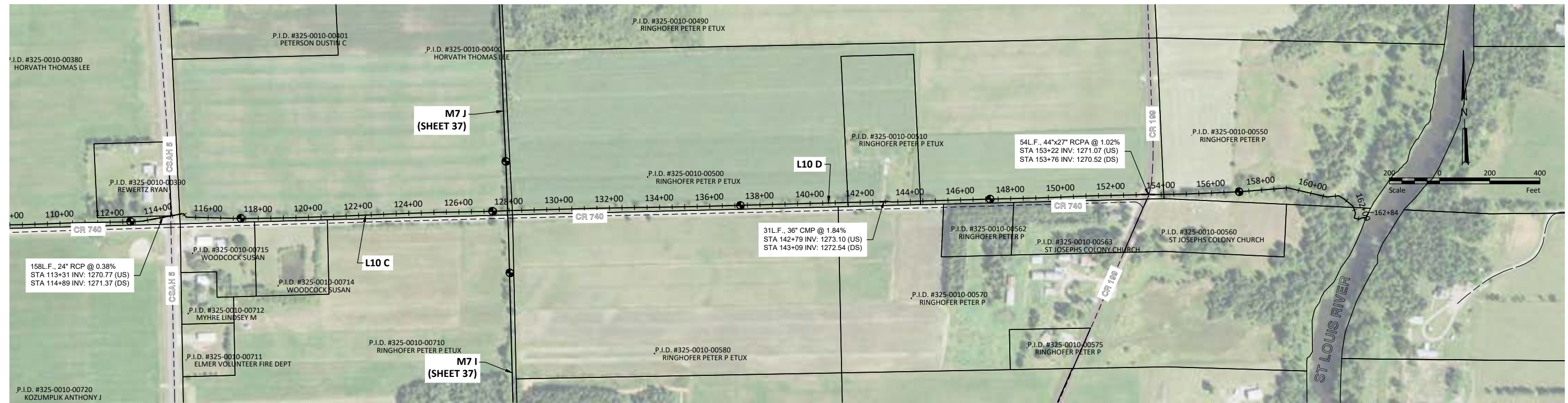


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L10 A-B-C-D
PROJECT NO. 10641-0003

SHEET
31



H:\Maple Grove\JBA\106000\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-32 L10 A-B-C-D-5/31/2022 11:40 AM-(kfund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

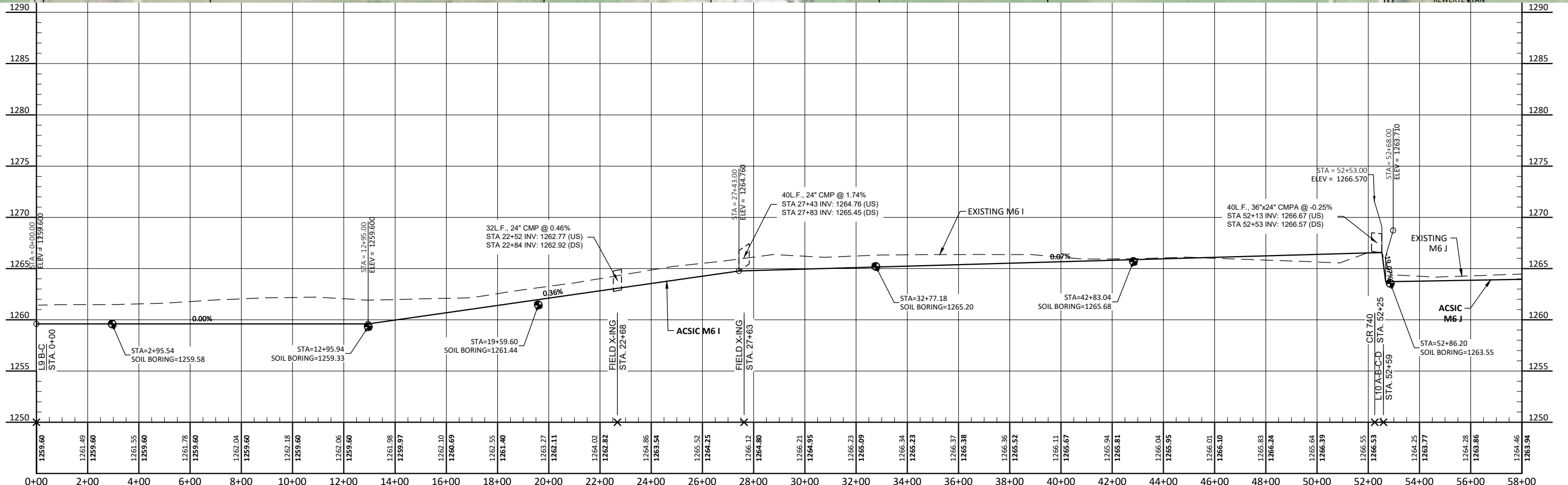
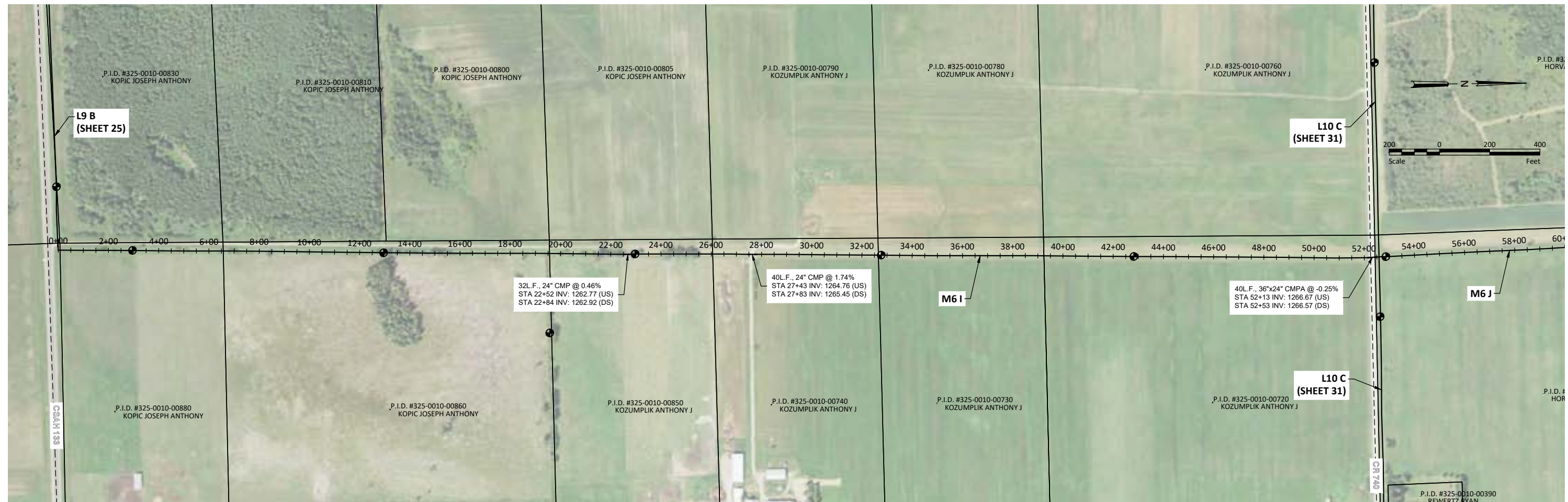


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L10 A-B-C-D
PROJECT NO. 10641-0003

SHEET
32



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-33 M6 I-J-5/31/2022 11:40 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

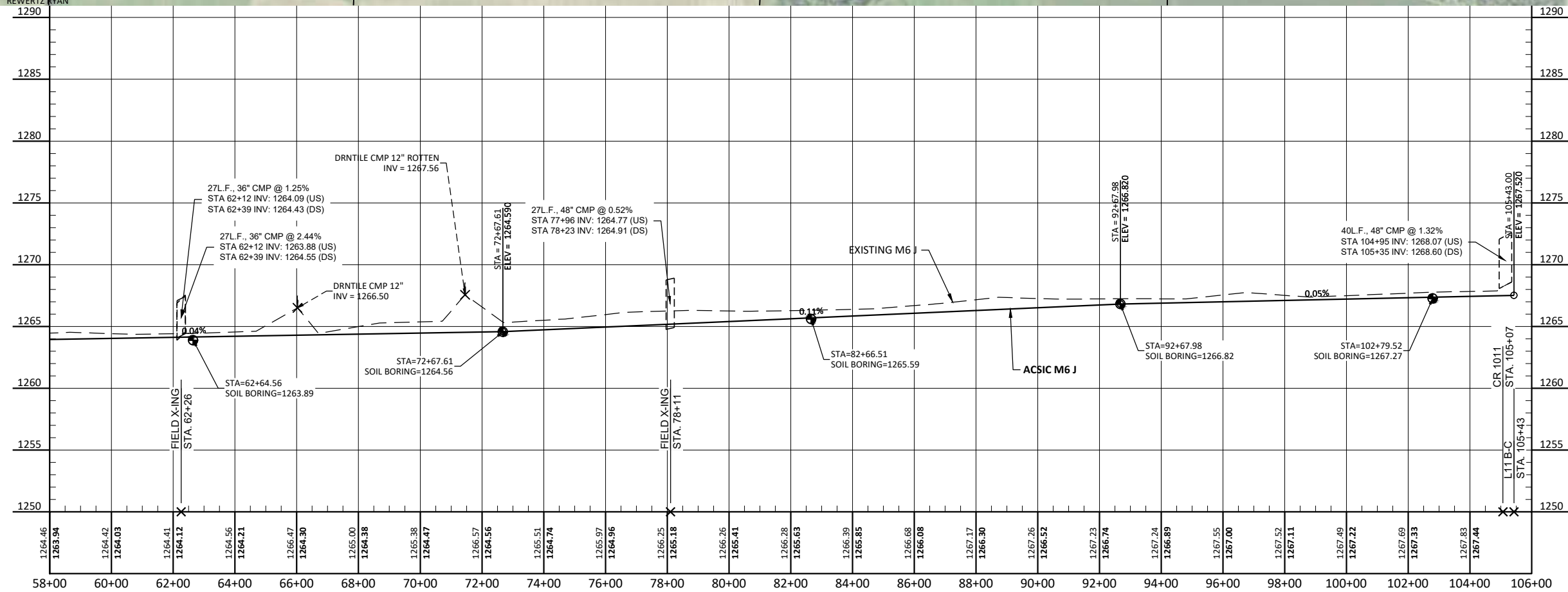
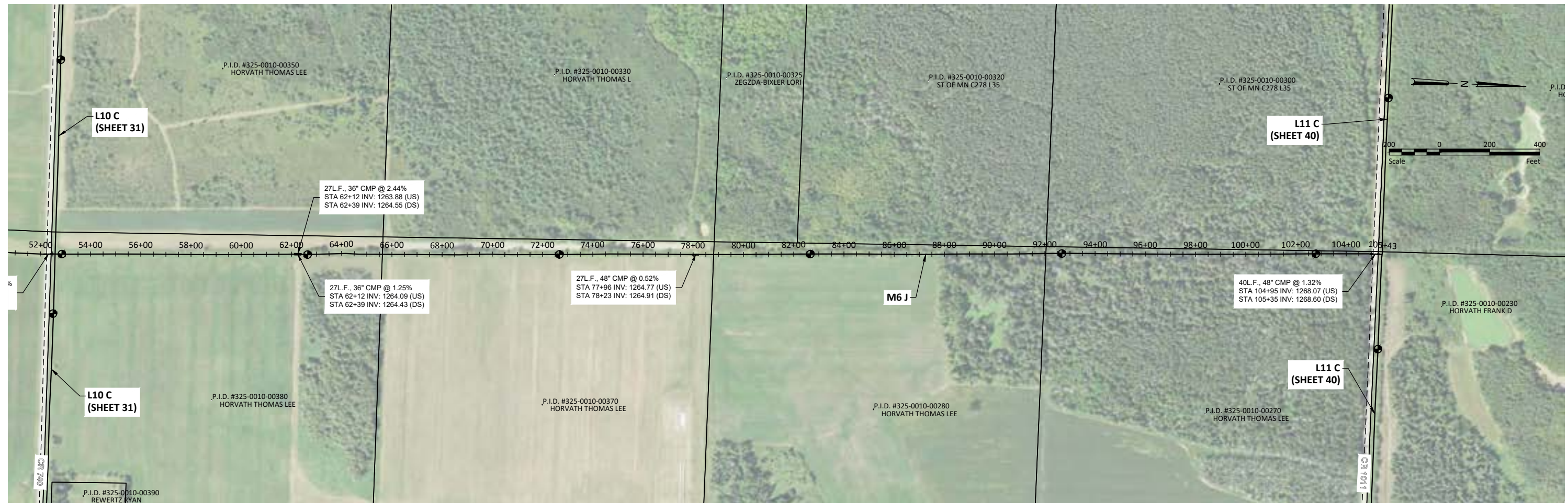


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M6 I-J
PROJECT NO. 10641-0003

SHEET
33



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg:34 M6 I-J-5/31/2022 11:41 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

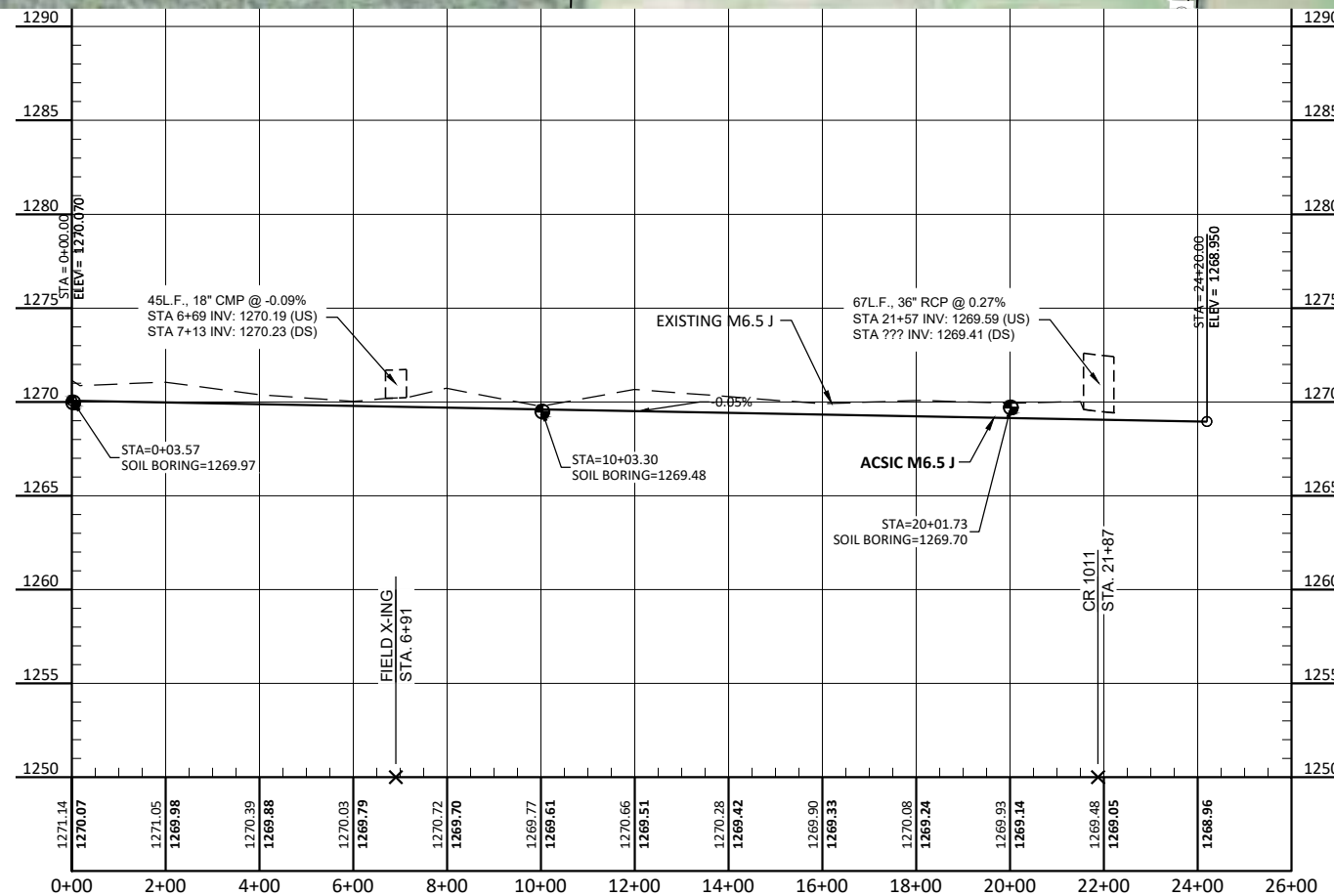
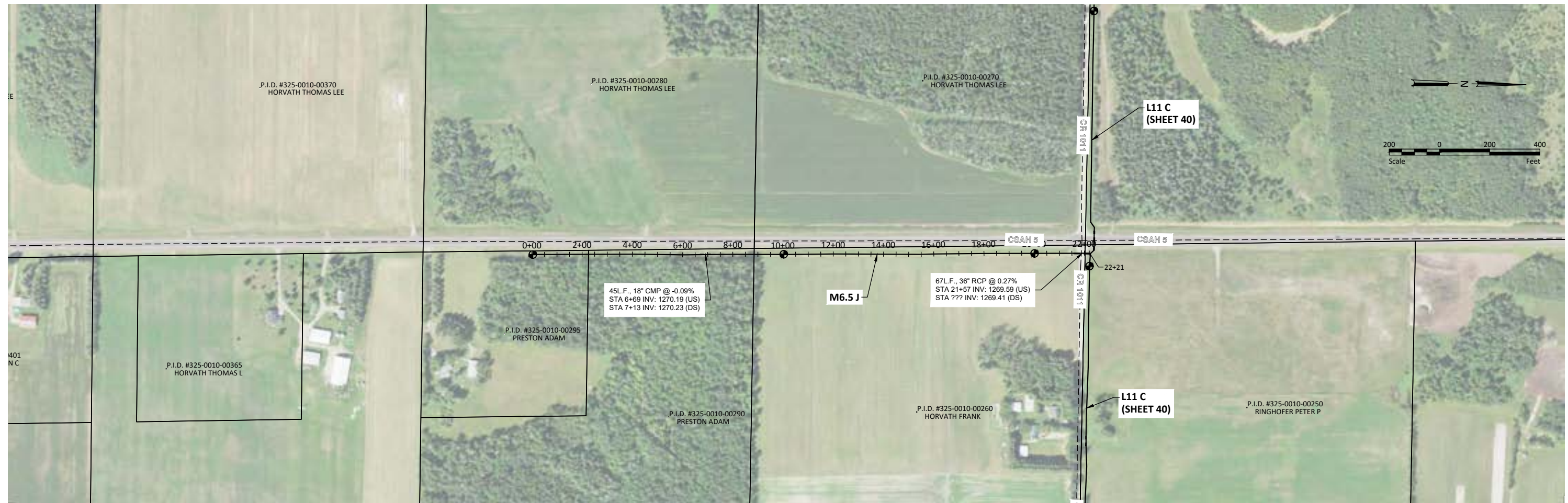


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M6 I-J
PROJECT NO. 10641-0003

SHEET
34



H:\Maple Grove\JBA\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-35 M6.5 J\5/31/2022 11:41 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

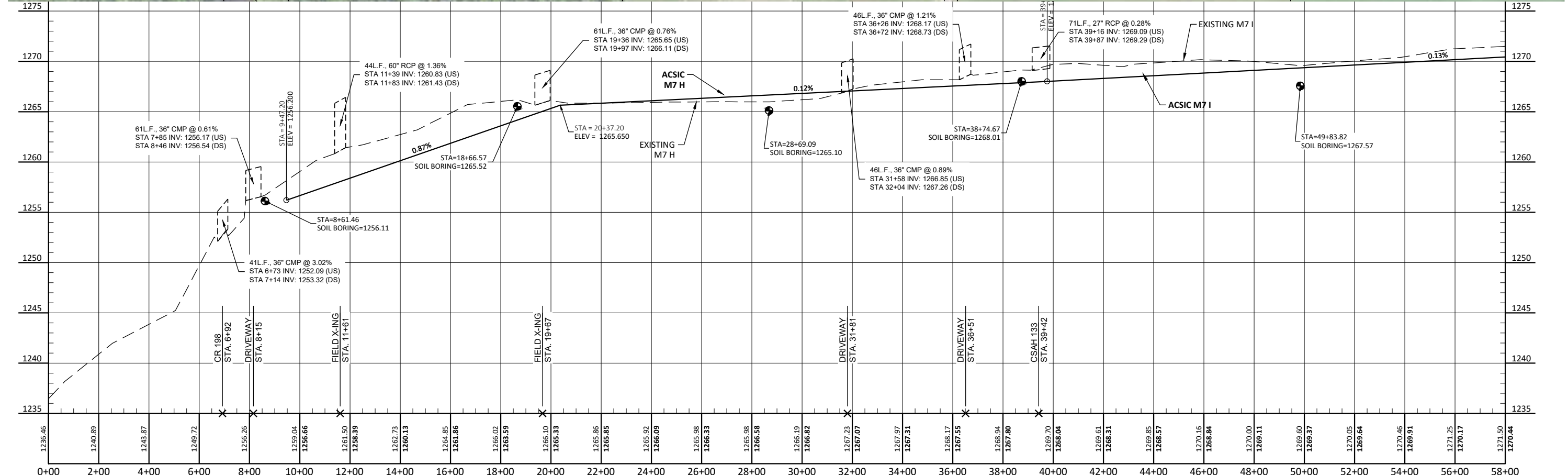
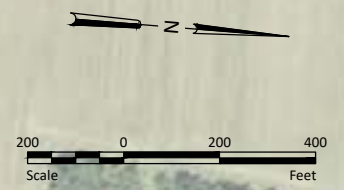
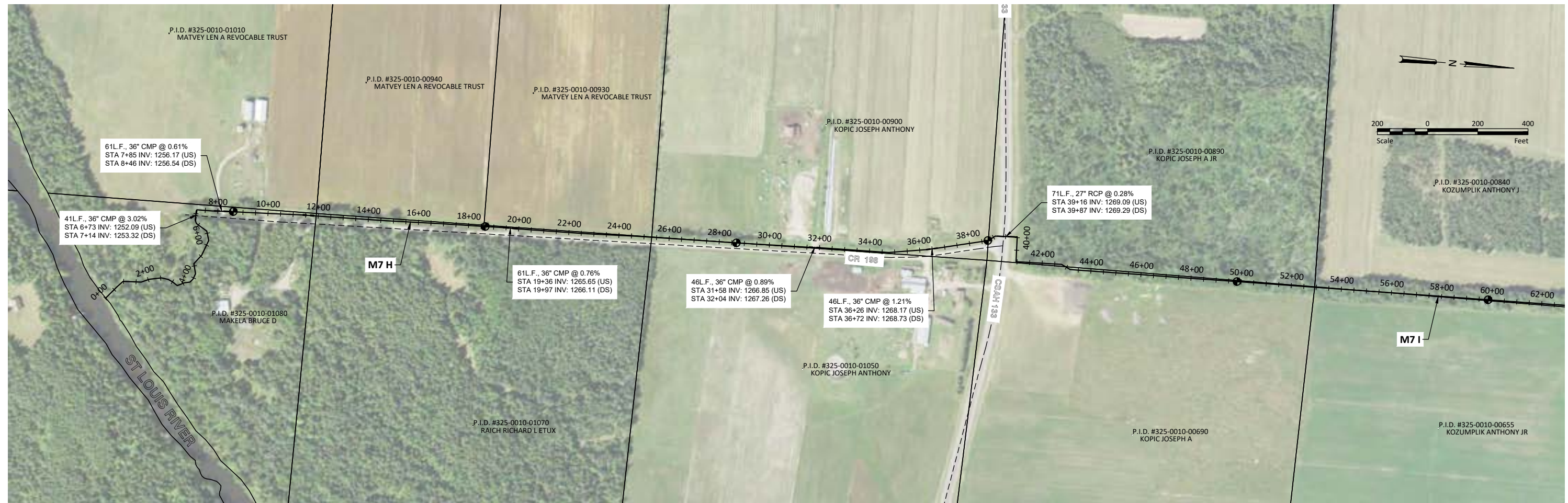


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M6.5 J
PROJECT NO. 10641-0003

SHEET
35



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-36 M7 H-I-J-5/31/2022 11:41 AM:klund

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

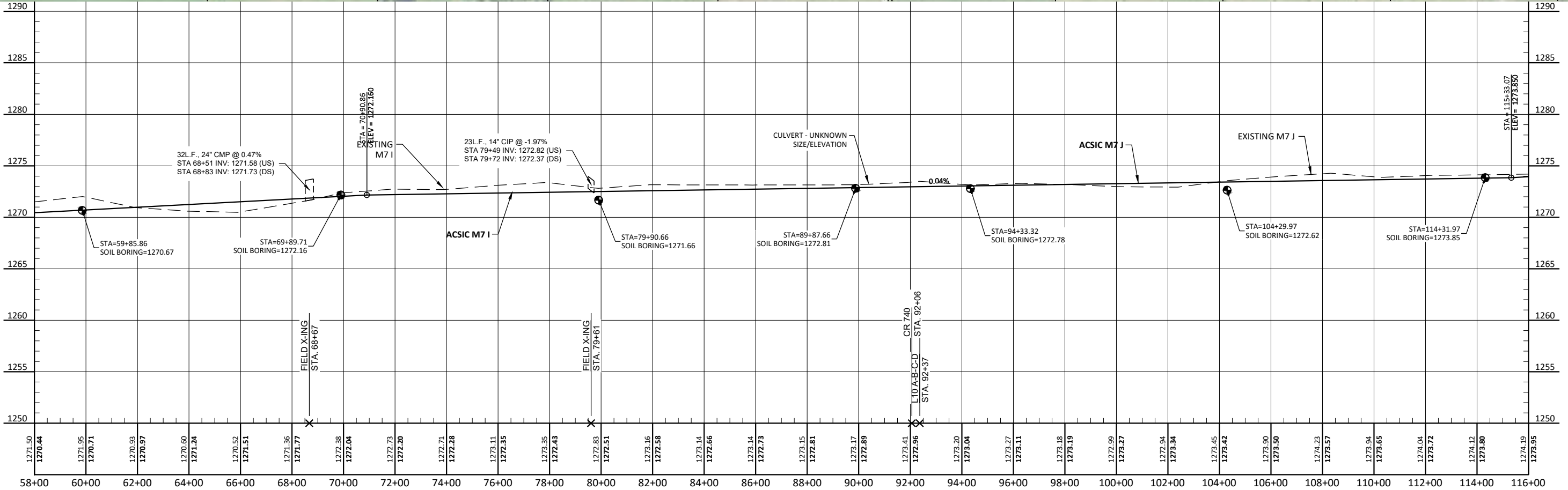
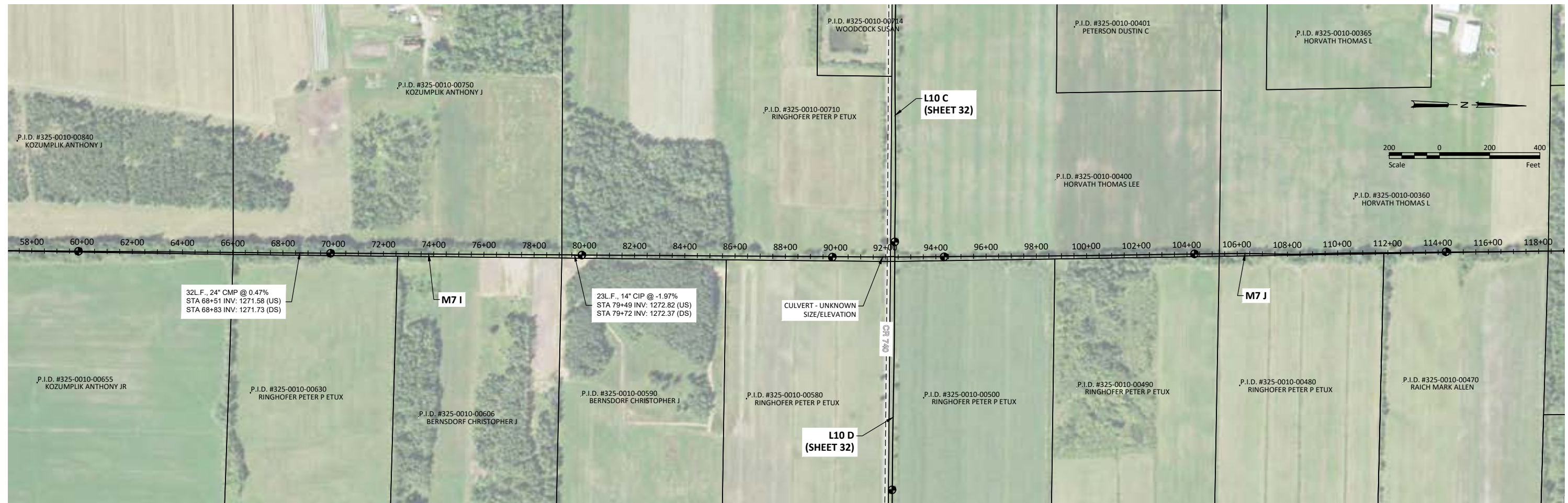


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M7 H-I-J
PROJECT NO. 10641-0003

SHEET
36



H:\Maple Grove\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg 37 M7 H-I-J 5/31/2022 11:41 AM (klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

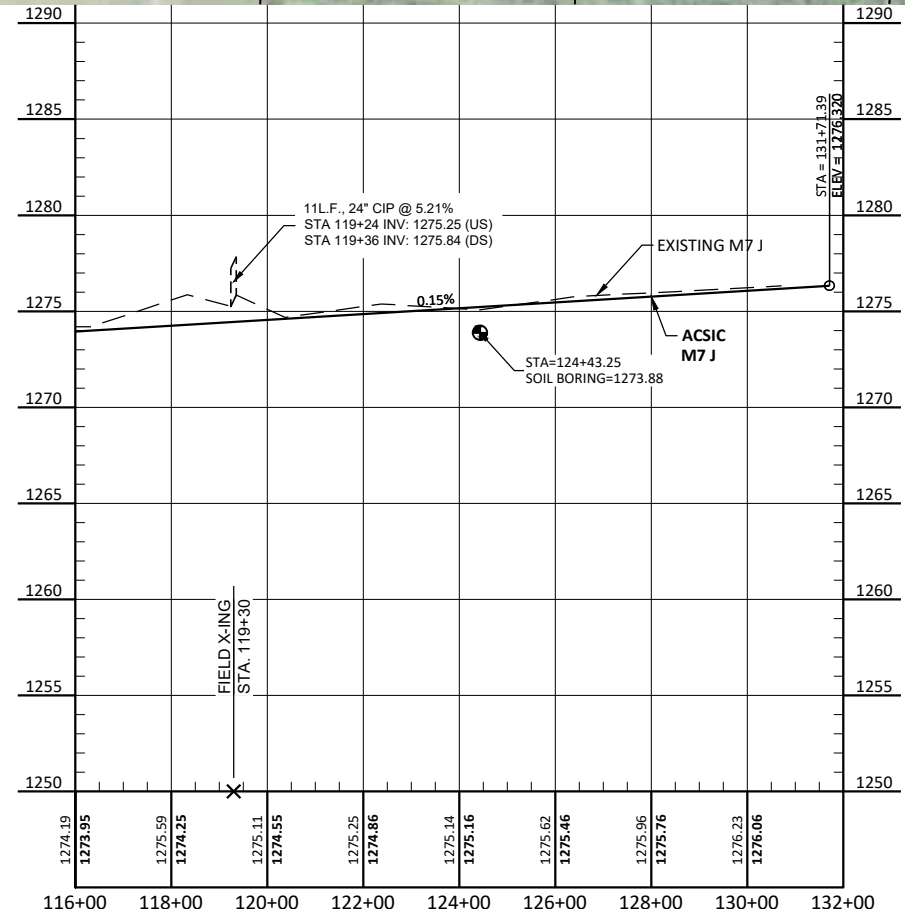


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M7 H-I-J
PROJECT NO. 10641-0003

SHEET
37



H:\Maple Grove\JBN\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-38 M7 H-I-J-5/31/2022 11:41 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

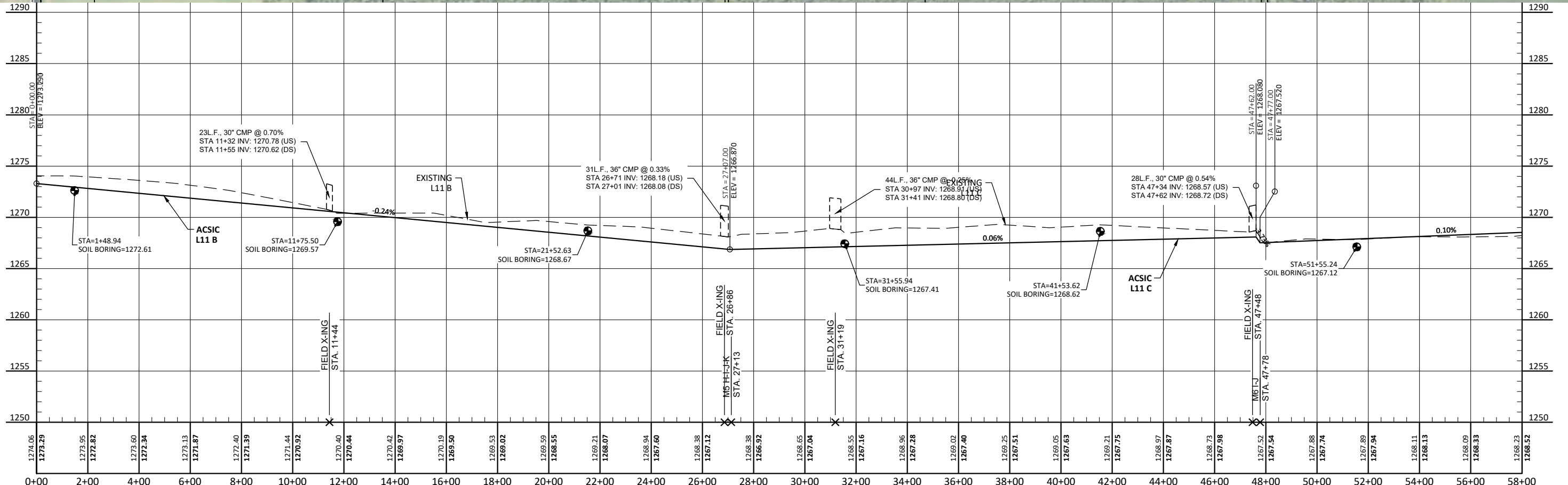
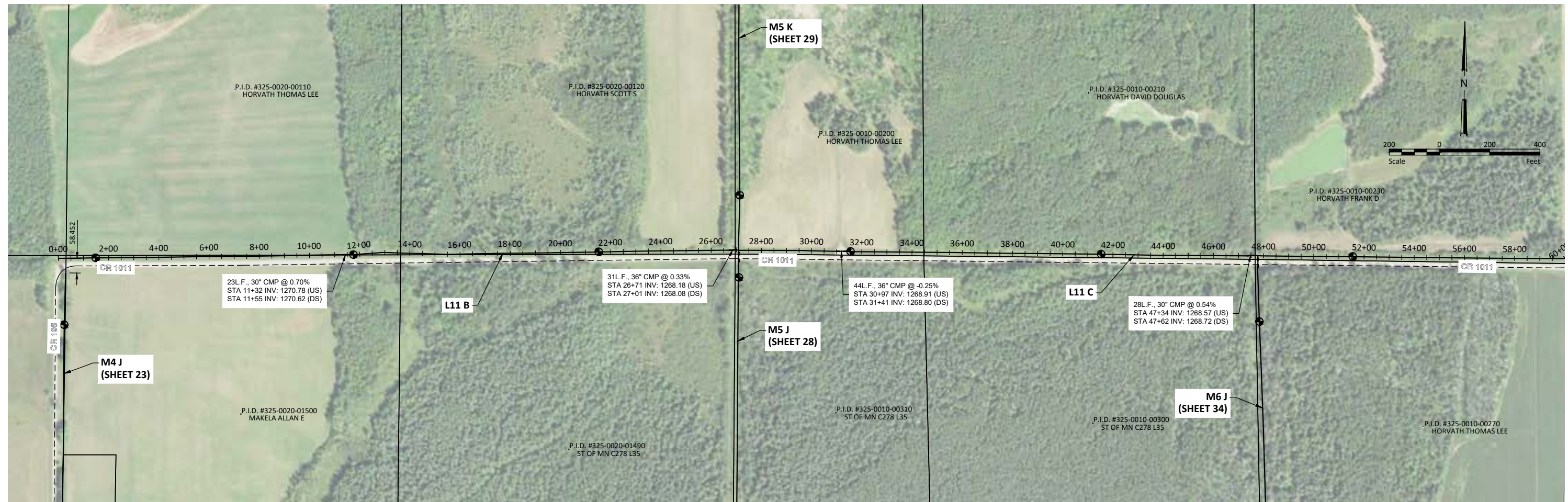


Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M7 H-I-J
PROJECT NO. 10641-0003

SHEET
38



H:\Maple Grove\JBA\106000\10641\0641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-39 L11 B-C-5/31/2022 11:41 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

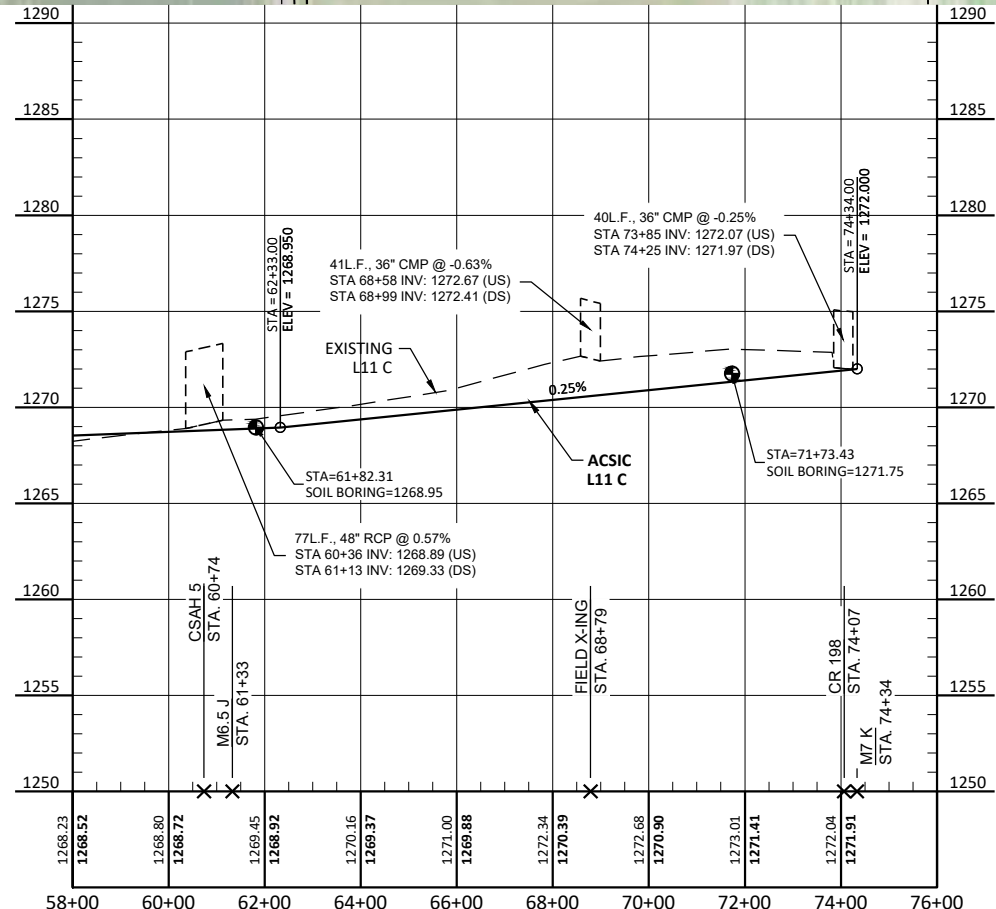
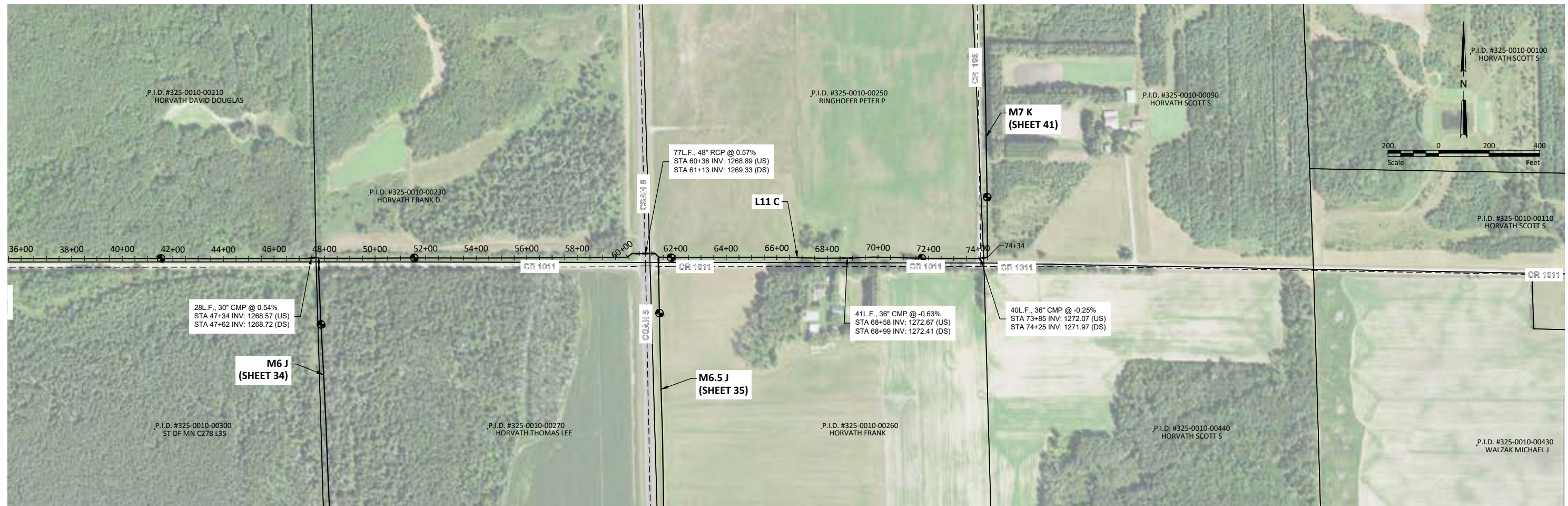


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L11 B-C
PROJECT NO. 10641-0003

SHEET
39



H:\Maple Grove\JBA\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-40 L11 B-C-5/31/2022 11:41 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION

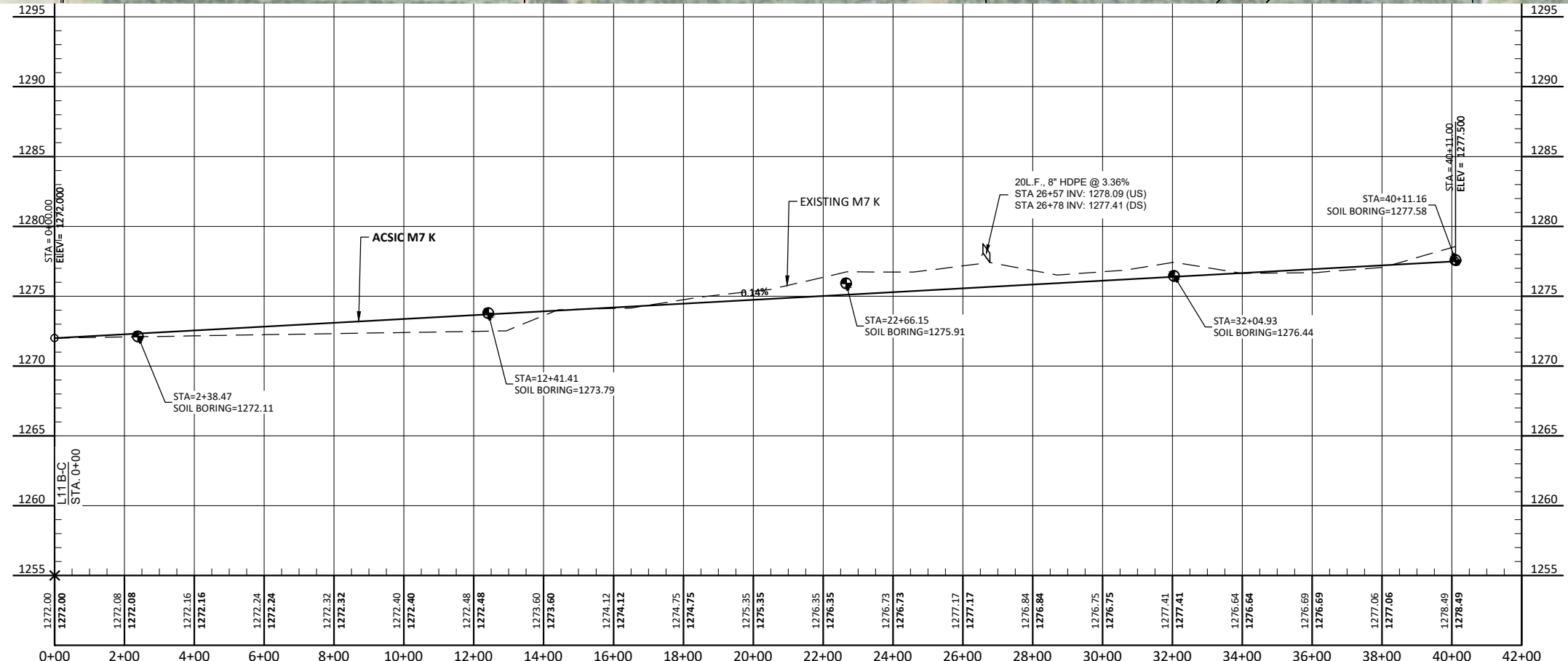
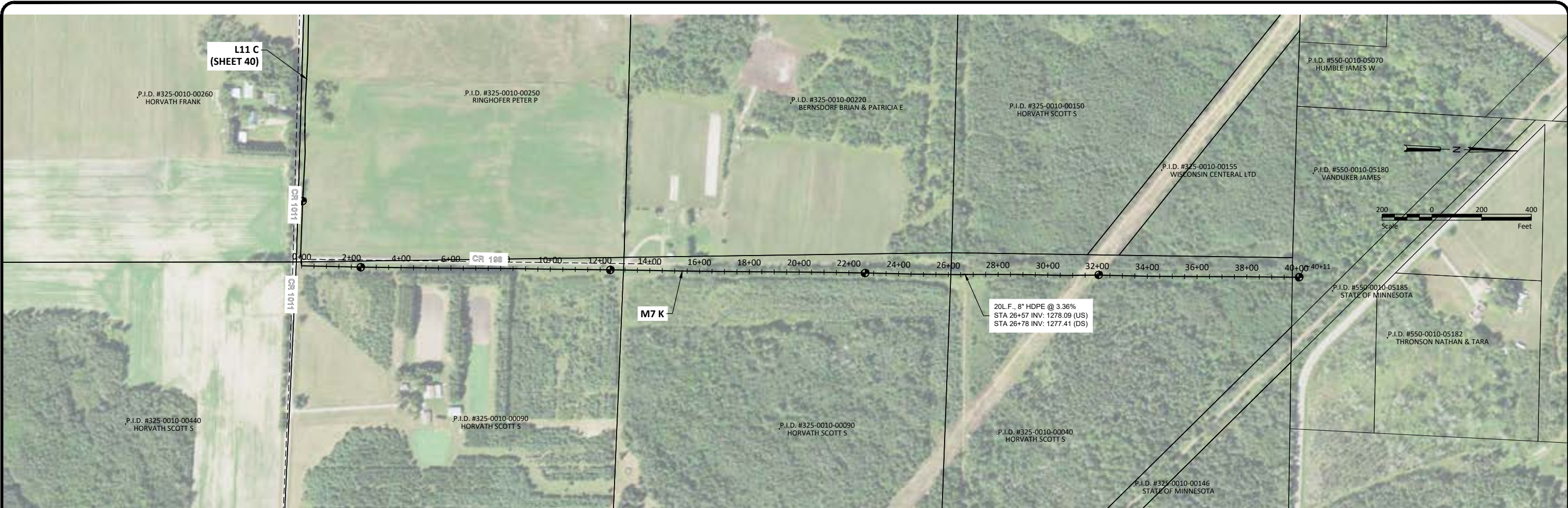


Drawn by
KJL
Date
05-31-2022
Checked by
CCO
Scale
AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

L11 B-C
PROJECT NO. 10641-0003

SHEET
40



H:\Maple Grove\JBN\10641\10641_0003\CAD\Plans\10641_0003_Plan & Profile_North.dwg-41 M7 K-5/31/2022 11:42 AM-(klund)

No.	Revision	Date	By

PRELIMINARY
NOT FOR CONSTRUCTION



Drawn by KJL	Date 05-31-2022
Checked by CCO	Scale AS SHOWN

ST. LOUIS COUNTY DITCH 4
ST. LOUIS COUNTY, MINNESOTA
ELMER & VAN BUREN TOWNSHIPS

M7 K
PROJECT NO. 10641-0003

SHEET
41

In response, St. Louis County filed a Petition for Partial Abandonment in June 2022, identifying multiple segments of the system to be considered for abandonment pursuant to Minn. Stat. §103E.806, a copy of which is attached to this letter.

County Ditch #4 is comprised of sixty-five and nine-tenths miles (65.9) of ditch. Thirty-four and seven-tenths miles (34.7) are being recommended for abandonment due to not providing public benefit or serving a substantial useful purpose to property remaining in the system. If the proposed abandonments are approved the total length of the County Ditch #4 system would be thirty-one and two-tenths miles (31.2).

The Drainage Authority in conjunction with the St. Louis County Auditor set this Public Hearing to take place per Drainage Authority Resolution No. 22-01 adopted on June 28, 2022. The required notice of this hearing was mailed on July 6, 2022 to the Commissioner of Natural Resources, the executive director of the Board of Water and Soil Resources, Petitioners, and all owners benefited or damaged by the drainage system. Notice was also placed on St. Louis County bulletin boards and the County website on July 6, 2022. Notice was published in the Duluth News Tribune on July 9, 2022.

RECOMMENDATION:

It is recommended that the County Drainage Authority approve the Petition for Partial Abandonment for the County Ditch #4 system.

Hearing on County Ditch #4 Partial Abandonment

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. §103E, the St. Louis County Board is required to convene as the County Drainage Authority to discuss and approve pending matters related to county ditches; and

WHEREAS, The Drainage Authority received a Petition for Repair of County Ditch #4; and

WHEREAS, The Drainage Authority subsequently ordered the Reestablishment of Records for County Ditch #4 and the review of the system for potential partial abandonment; and

WHEREAS, The Drainage Authority received an Engineer's Report regarding Reestablishment of Records for County Ditch #4 and proposed segments for abandonment; and

WHEREAS, The Drainage Authority received a Petition for Partial Abandonment of County Ditch #4; and

WHEREAS, The Drainage Authority held a public hearing and reestablished the records for County Ditch #4; and

WHEREAS, Following the public hearing and action on Reestablishment of Records, a public hearing was held on the Petition for Partial Abandonment pursuant to Minn. Stat. §103E; and

WHEREAS, The Drainage Authority received testimony from Houston Engineering, St. Louis County Public Works, and all others wishing to speak to the partial abandonments; and

WHEREAS, The Drainage Authority has concluded the proposed partial abandonments are appropriate as those segments no longer provide public benefit and utility and do not serve a substantial useful purpose to property remaining in the system.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, acting in the capacity of the County Drainage Authority, hereby approves the Petition for Partial Abandonment and orders the following segments of County Ditch #4 abandoned:

Ditch System No.	Segment ID	MILES	St. Louis County Transverse Mercator (ft)			
			Start North	Start East	End North	End East
CD #4	M1C	1.00	221592.85	400834.52	226826.36	400879.79
CD #4	M1D	1.00	226826.36	400879.79	232141.52	400891.45
CD #4	M1G	0.50	245068.03	400801.76	247765.12	400767.43
CD #4	M1H	0.75	247765.12	400767.43	251800.51	400712.66
CD #4	M1I	1.00	253051.34	400682.12	258264.67	400683.45
CD #4	M2B	0.25	220231.99	403466.28	221567.66	403477.38
CD #4	M2C	1.00	221567.66	403477.38	226780.10	403533.96
CD #4	M2D	1.00	226780.10	403533.96	232079.27	403549.67
CD #4	M2E	1.00	232079.27	403549.67	237193.74	403559.86
CD #4	M2F	1.00	237193.74	403559.86	242421.61	403491.37
CD #4	M2J	1.00	258290.60	403308.66	263488.37	403261.50
CD #4	M3C	0.25	225430.42	406081.88	226752.84	406078.92
CD #4	M3D	1.00	232039.86	406149.41	226752.84	406078.92
CD #4	M3E	1.00	232039.86	406149.41	237198.56	406158.93
CD #4	M3F	1.00	249068.77	406033.53	237198.56	406158.93
CD #4	M3G	0.65	242409.08	406142.40	242409.08	406142.40
CD #4	M3H	0.60	245885.12	406085.95	245885.12	406085.95
CD #4	M3J	0.75	259605.22	405315.75	263500.27	405875.04
CD #4	M3K	0.80	263500.27	405875.04	267656.55	405881.07
CD #4	M4D	0.80	227699.39	408768.11	231973.80	408781.54
CD #4	M4E	1.00	231973.80	408781.54	237196.65	408792.23
CD #4	M4F	1.00	237196.65	408792.23	242464.62	408785.41
CD #4	M4G	0.35	242464.62	408785.41	244368.52	408742.58
CD #4	M4L	1.00	267655.24	407340.31	272915.57	407382.81
CD #4	M4M	0.60	272915.57	407382.81	275897.25	407424.06
CD #4	M5F	1.00	237198.33	411435.67	242465.49	411319.82
CD #4	M5L	1.00	267639.96	409979.36	272893.25	410044.02
CD #4	M6K	0.60	263639.15	413302.43	266692.19	413252.83
CD #4	L2A	0.75	221592.85	400834.52	221544.21	404791.32
CD #4	L3A	1.00	226826.36	400879.79	226752.84	406078.92
CD #4	L3B	0.25	226752.84	406078.92	226725.88	407439.34
CD #4	L4A	1.00	232141.52	400891.45	232039.86	406149.41
CD #4	L4B	0.75	232039.86	406149.41	231942.37	410003.25
CD #4	L5A	1.00	237184.48	400882.25	237198.56	406158.93
CD #4	L5B	1.00	237198.56	406158.93	237198.33	411435.67
CD #4	L6A	0.75	242438.56	402132.61	242409.08	406142.40
CD #4	L6B	1.00	242409.08	406142.40	242465.49	411319.82
CD #4	L7A	1.00	245068.03	400801.76	245044.89	406097.96
CD #4	L7B	0.25	245885.12	406085.95	246238.69	407454.09
CD #4	L9A	0.30	253020.20	403313.48	252995.70	404900.74
CD #4	L10A	0.50	258264.67	400683.45	258290.60	403308.66

Ditch System No.	Segment ID	MILES	St. Louis County Transverse Mercator (ft)			
			Start North	Start East	End North	End East
CD #4	L11A	0.50	263488.37	403261.50	263500.27	405875.04
CD #4	L11B	0.25	263534.47	407230.04	263567.25	408531.03
CD #4	L12B	1.00	267656.55	405881.07	267635.47	411166.16
CD #4	L13B	0.50	272915.57	407382.81	272893.25	410044.02

RESOLVED FURTHER, all costs associated with the Petition for Partial Abandonment of County Ditch #4 shall be assessed against those lands benefitted as set forth in Minn. Stat. §103E.

**BEFORE THE ST. LOUIS COUNTY BOARD OF COMMISSIONERS ACTING
AS DRAINAGE AUTHORITY FOR ST. LOUIS COUNTY DITCH #4**

**Petition for Partial Abandonment of Portions
of County Ditch #4, Pursuant to Minnesota
Statutes 103E.806**

WHEREAS, Petitioner, St. Louis County, Minnesota, is the owner of and road authority for benefitted properties within the St. Louis County Ditch #4 drainage system; and,

WHEREAS, Petitioner, St. Louis County, Minnesota, desires to partially abandon portions of St. Louis County Ditch #4 described as follows:

Ditch System No.	Segment ID	MILES	St. Louis County Transverse Mercator (ft)			
			Start North	Start East	End North	End East
CD #4	M1C	1.00	221592.85	400834.52	226826.36	400879.79
CD #4	M1D	1.00	226826.36	400879.79	232141.52	400891.45
CD #4	M1G	0.50	245068.03	400801.76	247765.12	400767.43
CD #4	M1H	0.75	247765.12	400767.43	251800.51	400712.66
CD #4	M1I	1.00	253051.34	400682.12	258264.67	400683.45
CD #4	M2B	0.25	220231.99	403466.28	221567.66	403477.38
CD #4	M2C	1.00	221567.66	403477.38	226780.10	403533.96
CD #4	M2D	1.00	226780.10	403533.96	232079.27	403549.67
CD #4	M2E	1.00	232079.27	403549.67	237193.74	403559.86
CD #4	M2F	1.00	237193.74	403559.86	242421.61	403491.37
CD #4	M2J	1.00	258290.60	403308.66	263488.37	403261.50
CD #4	M3C	0.25	225430.42	406081.88	226752.84	406078.92
CD #4	M3D	1.00	232039.86	406149.41	226752.84	406078.92
CD #4	M3E	1.00	232039.86	406149.41	237198.56	406158.93
CD #4	M3F	1.00	249068.77	406033.53	237198.56	406158.93
CD #4	M3G	0.65	242409.08	406142.40	242409.08	406142.40
CD #4	M3H	0.60	245885.12	406085.95	245885.12	406085.95
CD #4	M3J	0.75	259605.22	405315.75	263500.27	405875.04
CD #4	M3K	0.80	263500.27	405875.04	267656.55	405881.07
CD #4	M4D	0.80	227699.39	408768.11	231973.80	408781.54
CD #4	M4E	1.00	231973.80	408781.54	237196.65	408792.23
CD #4	M4F	1.00	237196.65	408792.23	242464.62	408785.41
CD #4	M4G	0.35	242464.62	408785.41	244368.52	408742.58
CD #4	M4L	1.00	267655.24	407340.31	272915.57	407382.81
CD #4	M4M	0.60	272915.57	407382.81	275897.25	407424.06
CD #4	M5F	1.00	237198.33	411435.67	242465.49	411319.82
CD #4	M5L	1.00	267639.96	409979.36	272893.25	410044.02
CD #4	M6K	0.60	263639.15	413302.43	266692.19	413252.83

Ditch System No.	Segment ID	MILES	St. Louis County Transverse Mercator (ft)			
			Start North	Start East	End North	End East
CD #4	L2A	0.75	221592.85	400834.52	221544.21	404791.32
CD #4	L3A	1.00	226826.36	400879.79	226752.84	406078.92
CD #4	L3B	0.25	226752.84	406078.92	226725.88	407439.34
CD #4	L4A	1.00	232141.52	400891.45	232039.86	406149.41
CD #4	L4B	0.75	232039.86	406149.41	231942.37	410003.25
CD #4	L5A	1.00	237184.48	400882.25	237198.56	406158.93
CD #4	L5B	1.00	237198.56	406158.93	237198.33	411435.67
CD #4	L6A	0.75	242438.56	402132.61	242409.08	406142.40
CD #4	L6B	1.00	242409.08	406142.40	242465.49	411319.82
CD #4	L7A	1.00	245068.03	400801.76	245044.89	406097.96
CD #4	L7B	0.25	245885.12	406085.95	246238.69	407454.09
CD #4	L9A	0.30	253020.20	403313.48	252995.70	404900.74
CD #4	L10A	0.50	258264.67	400683.45	258290.60	403308.66
CD #4	L11A	0.50	263488.37	403261.50	263500.27	405875.04
CD #4	L11B	0.25	263534.47	407230.04	263567.25	408531.03
CD #4	L12B	1.00	267656.55	405881.07	267635.47	411166.16
CD #4	L13B	0.50	272915.57	407382.81	272893.25	410044.02

and,

WHEREAS, the areas to be partially abandoned are further identified on the attached Exhibits A and B; and,

WHEREAS, on July 13, 2021, Petitioner hired Houston Engineering, Inc. to conduct a Re-establishment of Records for Ditch #4 and simultaneously evaluate the system for partial abandonment; and,

WHEREAS, Houston Engineering, Inc., provided information and engineering data to St. Louis County regarding Ditch #4;

WHEREAS, Petitioner, through this Petition and additional information, allege that those parts of St. Louis County Ditch #4 to be abandoned do not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of substantial public benefit and utility.

NOW, THEREFORE, Petitioner respectfully requests that the St. Louis County Board of Commissioners, acting as Drainage Authority for St. Louis County Ditch #4, accept this Petition and schedule the public hearing as outlined under Minnesota Statutes 103E.806, Subd. 3.

Dated this 17 day of June, 2022

ST. LOUIS COUNTY, MINNESOTA

By 
Kevin Gray, County Administrator

Exhibit A

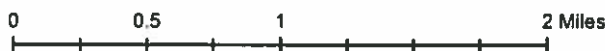
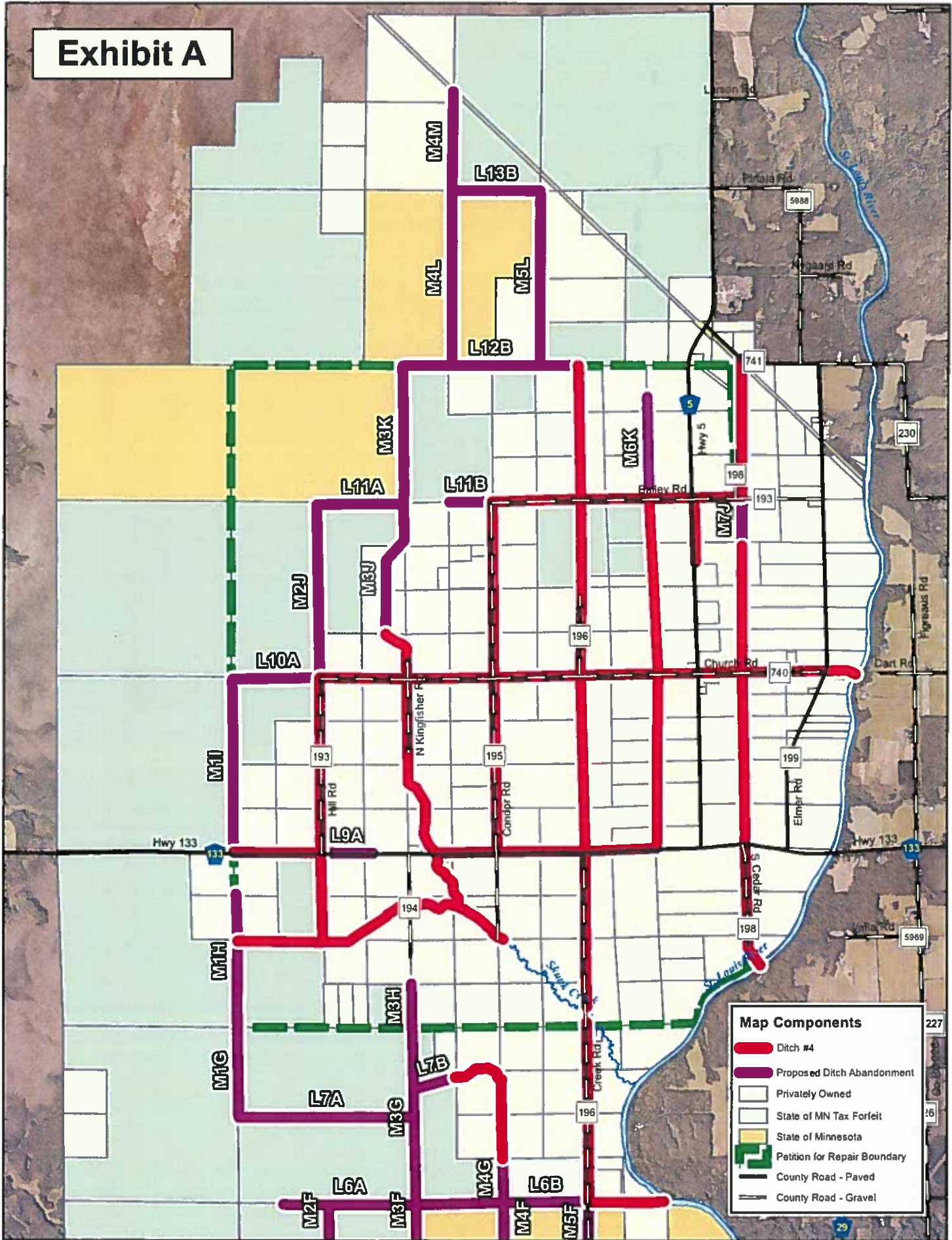
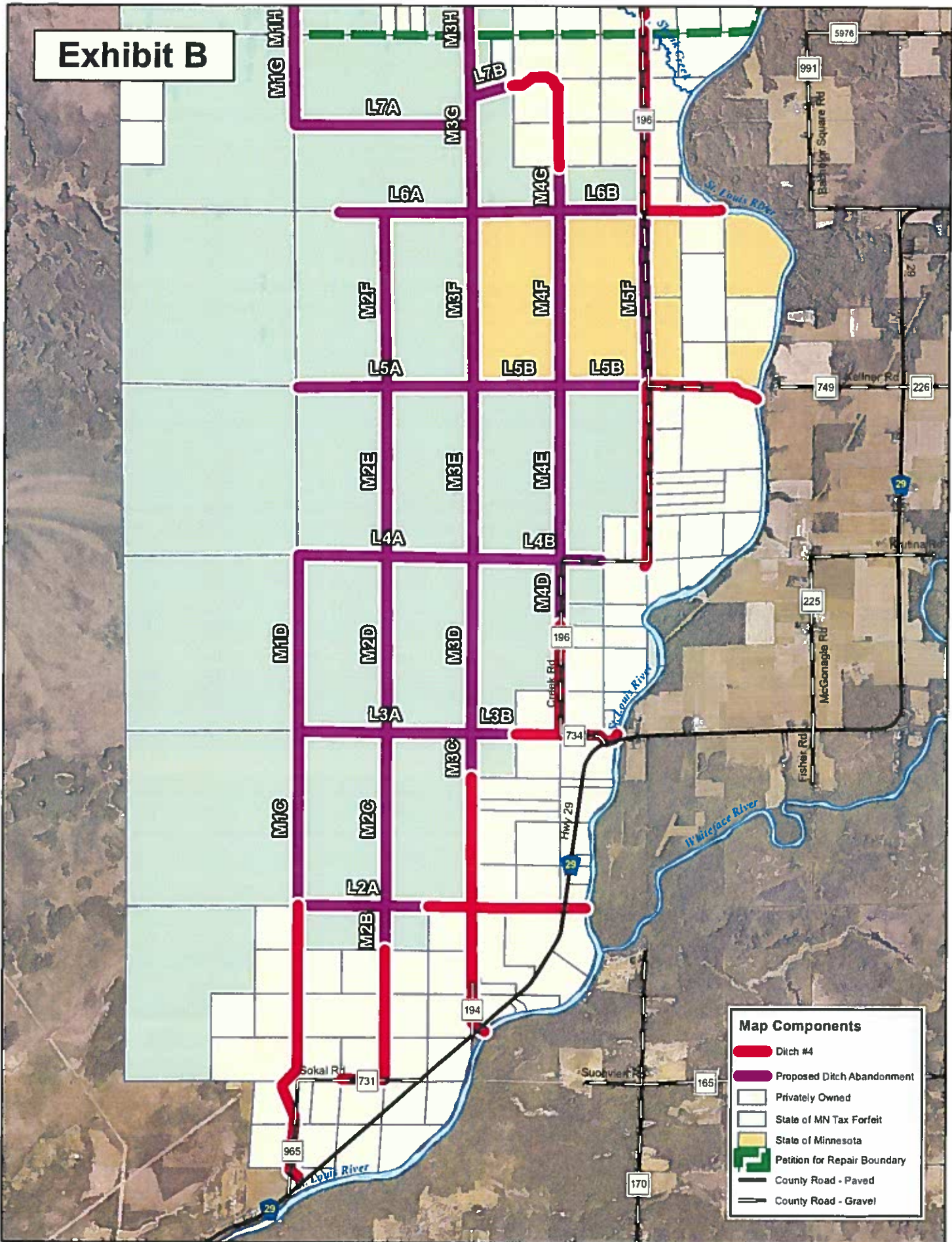
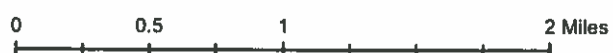


Exhibit B



Map Components

- Ditch #4
- Proposed Ditch Abandonment
- Privately Owned
- State of MN Tax Forfeit
- State of Minnesota
- Petition for Repair Boundary
- County Road - Paved
- County Road - Gravel



COUNTY DRAINAGE AUTHORITY NO. 22 – 04

DATE: August 2, 2022 **RE:** Petition for Repair of County
Ditch #4, Payment of
Petitioner's Attorneys' Fees

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

To provide a safe, well maintained ditch system as required by Minnesota Statute 103E.

ACTION REQUESTED:

It is requested that the County Drainage Authority order reimbursement of Petitioner's attorneys' fees pursuant to Minn. Stat. §103E.645, Subd. 5.

BACKGROUND:

On January 7, 2020, attorney John Kolb, on behalf of Petitioners Tom Horvath and Ed Nelson, submitted a Petition to Repair St. Louis County Ditch #4 under Minn. Stat. §103E.715, a copy of which is attached to this letter.

As a result of that Petition, limited ditch cleaning was completed in 2021 to address immediate concerns and substantial work has recently been completed regarding the statutory processes of reestablishing records and partial abandonment. Additionally, redetermination of benefits and damages for County Ditch #4 is nearing completion.

Minn. Stat. §103E.645, Subd. 5, requires Petitioner's attorney's fees to be paid in this situation.

Petitioner has submitted a request totaling \$7,113.00 for attorneys' fees related to the Petition. Detailed invoices from attorney John Kolb are attached to this letter.

Petitioner also submitted a request for reimbursement of \$1,500.00 for a December 15, 2019 invoice from Ed Nelson. No allowance for this type of non-attorney fees is provided in statute.

RECOMMENDATION:

It is recommended that the County Drainage Authority authorize reimbursement of Petitioner Tom Horvath's attorneys' fees in the amount of \$7,113.00 with that amount being assessed against lands benefitted by County Ditch #4.

Hearing on County Ditch #4 Partial Abandonment

BY COMMISSIONER: _____

WHEREAS, Pursuant to Minn. Stat. §103E, the St. Louis County Board is required to convene as the County Drainage Authority to discuss and approve pending matters related to county ditches; and

WHEREAS, The County Drainage Authority received a Petition for Repair of County Ditch #4; and

WHEREAS, The County Drainage Authority, as a direct result of the Petition to Repair, ordered the Reestablishment of Records for County Ditch #4, Redetermination of Benefits, and evaluation of the system for potential partial abandonment; and

WHEREAS, Minn. Stat. §103E.645, Subd. 5 requires payment of Petitioner's attorneys' fees in this situation; and

WHEREAS, Minn. Stat. §103E.725 requires all fees and costs incurred for proceedings relating to the repair of a drainage system be assessed against the property and entities benefited; and

WHEREAS, Petitioner has submitted ample documentation for his request for attorneys' fees; and

WHEREAS, The Drainage Authority believes Petitioner's request for attorneys fees to be reasonable; and

WHEREAS, The Drainage Authority has no legal basis to award Petitioner's requested reimbursement of fees paid to Ed Nelson; and

WHEREAS, Minn. Stat. § 103E.655, 103E.725, and 103E.731 provide a mechanism for monies to be borrowed from the general ditch fund for this contract, to be reimbursed via collection of assessments against those lands benefitted by County Ditch #4.

THEREFORE, BE IT RESOLVED, Petitioner Tom Horvath's request for payment of his attorneys' fees in the amount of \$7,113.00 is granted with payment paid from Fund 178, Agency 178104, Object 626600 with funding coming from Fund 178, Agency 999999, Object 311037 (Ditching Fund Balance).

RESOLVED FURTHER, This payment of attorneys' fees shall be assessed against those lands benefitted by County Ditch #4 in the manner prescribed in Minn. Stat. §103E.



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
www.rinkenoonan.com
 Tax ID No. 41-0965793

July 05, 2019

Thomas Lee Horvath
 7984 Highway 5
 Meadowlands, MN 55765

Invoice Number: 300176
 Attorney: KAD
 Client: 28808
 Case: 28808-0001
 Billed through: 06/30/2019

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:	\$0.00
Total Current Bill (Attached)	\$1,000.00
Payments:	\$1,000.00
Total Outstanding Balance:	\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
 Please see following pages for detail.

Payment is due within 30 days.

**** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT ****



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
 www.rinke Noonan.com
 Tax ID No. 41-0965793

Thomas Lee Horvath
 28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
 07/05/2019
 Invoice Number : 300176

FOR PROFESSIONAL SERVICES RENDERED THROUGH 06/30/2019

06/12/2019	JLF	Telephone conference with Tom to set up a meeting with KAD and other landowners to discuss a ditch issue in St. Louis County; Hold KAD's calendar for the evening of June 27; Search for the location of the meeting; Email KAD regarding my conversation with Tom and requesting confirmation on his availability to attend the June 27 meeting; Review email from Ed Nelson regarding the names of landowners who attended last night's meeting; Review County records to confirm the spelling of the illegible names on the list; Complete a conflicts check of each landowner listed on the sign in sheet; Review email from KAD; Telephone conference with Tom to confirm the June 27 and discuss the location; Review map for location of meeting and update KAD's calendar with directions to the Elmer Fire Hall; Email KAD regarding information Tom would like to talk about prior to the meeting - payment and judicial ditches	1.70 hrs	\$148.02
06/27/2019	KAD	Prepare for and attend meeting in Elmer Township	5.50 hrs	\$798.15
06/28/2019	JCK	Review materials from K. Deter regarding repair of "jurisdictional ditch" in St. Louis County; Assess status of ditch and requirement for documentation of status; Research State historical records	0.30 hrs	\$53.83
TOTAL FEES FOR THIS MATTER:			7.50	\$1,000.00

TOTAL FEES:	\$1,000.00
CURRENT INVOICE TOTAL:	\$1,000.00
PLUS PREVIOUS BALANCE:	\$0.00
LESS TRUST/PAYMENTS APPLIED:	\$1,000.00
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinkenoonan.com
Tax ID No. 41-0965793

August 05, 2019

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 301268
Attorney: KAD
Client: 28808
Case: 28808-0001
Billed through: 07/31/2019

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:		\$1,000.00
Total Current Bill (Attached)		\$516.50
Payments:		\$1,516.50
Total Outstanding Balance:		\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail.

Payment is due within 30 days.

**** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT ****



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
 www.rinke Noonan.com
 Tax ID No. 41-0965793

Thomas Lee Horvath
 28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
 08/05/2019
 Invoice Number : 301268

FOR PROFESSIONAL SERVICES RENDERED THROUGH 07/31/2019

07/01/2019	JCK	Research state records of drainage systems in St. Louis County; Telephone conference with T. Horvath regarding possible CD 4 of St. Louis County based on drainage lien/assessment statements in abstract	0.50 hrs	\$170.00
07/12/2019	JLF	Review documents from Tom Horvath and memo to JCK from KAD; Discuss with JCK preparing a data practices act request to St. Louis County	0.40 hrs	\$66.00
07/15/2019	JLF	Review file; Review St. Louis County's data practices act policy; Draft data practices act request to St. Louis County	1.70 hrs	\$280.50
07/16/2019	RMS	(No Charge) Review abstracts received from clients to determine dates of assessments for affected properties and legal descriptions of affected properties; Conference with KSB regarding abstracts she had compiled	0.50 hrs	\$0.00
07/16/2019	JLF	(No Charge) Discuss work to be done on file with KMS regarding copies of a portion of multiple abstracts received showing entries related to CD 4	0.10 hrs	\$0.00
07/24/2019	JLF	(No Charge) Telephone conference with Tom Horvath regarding their search for historical documents; Discuss with JCK my conversation with Tom; Finalize Data Practices Act Request to St. Louis County	0.40 hrs	\$0.00
TOTAL FEES FOR THIS MATTER:			3.60	\$516.50

TOTAL FEES:	\$516.50
CURRENT INVOICE TOTAL:	\$516.50
PLUS PREVIOUS BALANCE:	\$1,000.00
LESS TRUST/PAYMENTS APPLIED:	\$1,516.50
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinke Noonan.com
Tax ID No. 41 0965793

September 05, 2019

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 302462
Attorney: JCK
Client: 28808
Case: 28808-0001
Billed through: 08/31/2019

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:		\$516.50
Total Current Bill (Attached)		\$204.00
Payments:		\$720.50
Total Outstanding Balance:		\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail.

Payment is due within 30 days.

**** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT ****



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
 www.rinke Noonan.com
 Tax ID No. 41-0965793

Thomas Lee Horvath
 28808-0001 - Horvath, Thomas Lee; Ditch issue - St. Louis County
 09/05/2019
 Invoice Number : 302462

FOR PROFESSIONAL SERVICES RENDERED THROUGH 08/31/2019

08/09/2019	JCK	Receive and review data practices information from County related to CD 4; Prepare and send response; Telephone conference(s) with T. Horvath to update on status	0.60 hrs	\$204.00
TOTAL FEES FOR THIS MATTER:			<u>0.60</u>	<u>\$204.00</u>

TOTAL FEES:	<u>\$204.00</u>
CURRENT INVOICE TOTAL:	\$204.00
PLUS PREVIOUS BALANCE:	\$516.50
LESS TRUST/PAYMENTS APPLIED:	\$720.50
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinkenoonan.com
Tax ID No. 41-0965793

October 03, 2019

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 303729
Attorney: JCK
Client: 28808
Case: 28808-0001
Billed through: 09/30/2019

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:		\$204.00
Total Current Bill (Attached)		\$457.50
Payments:		\$661.50
Total Outstanding Balance:		\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail.

Payment is due within 30 days.

**** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT ****



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
 www.rinke Noonan.com
 Tax ID No. 41-0965793

Thomas Lee Horvath
 28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
 10/03/2019
 Invoice Number : 303729

FOR PROFESSIONAL SERVICES RENDERED THROUGH 09/30/2019

09/11/2019	JLF	Review status of file; Telephone call to Tom Horvath to follow up on the telephone conference being scheduled between JCK and all landowners	0.20 hrs	\$33.00
09/24/2019	JLF	Receive voicemail from Ed Nelson; Forward voicemail to JCK with a summary of my recent work on the file	0.10 hrs	\$16.50
09/26/2019	JCK	Telephone conference with Ed Nelson (attempt to conference Tom Horvath into call); Discuss processes for repair and redetermination of benefits petitions; Prepare summary of current legal requirements of County and proposed process to develop and assemble petitions for repair and redetermination, sent to Ed and Tom with request to assemble listing of likely petitioners	1.20 hrs	\$408.00
TOTAL FEES FOR THIS MATTER:			1.50	\$457.50

TOTAL FEES:	\$457.50
CURRENT INVOICE TOTAL:	\$457.50
PLUS PREVIOUS BALANCE:	\$204.00
LESS TRUST/PAYMENTS APPLIED:	\$661.50
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
Telephone: 320-251-6700
www.rinke Noonan.com
Tax ID No. 41-0965793

December 04, 2019

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 306057
Attorney: JCK
Client: 28808
Case: 28808-0001
Billed through: 11/30/2019

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:	\$457.50
Total Current Bill (Attached)	\$1,641.50
Payments:	\$2,099.00
Total Outstanding Balance:	\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail

Payment is due within 30 days.

**** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT ****



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
 www.rinke Noonan.com
 Tax ID No. 41-0965793

Thomas Lee Horvath
 28808-0001 - Horvath, Thomas Lee: Ditch Issue - St. Louis County
 12/04/2019
 Invoice Number : 306057

FOR PROFESSIONAL SERVICES RENDERED THROUGH 11/30/2019

11/04/2019	JCK	Review property owner listing from Ed; Respond to Ed and inquire regarding petition for repair; Guidance to staff on preparation of repair petition	0.80 hrs	\$272.00
11/18/2019	JLF	Discuss the Petition with JCK and CMT; Review information provided by client regarding the landowners to be included in the Petition	0.30 hrs	\$49.50
11/18/2019	JCK	Prepare petition and exhibit, instructions to staff	3.30 hrs	\$1,122.00
11/24/2019	JLF	Review and revise Petition for Repair	0.90 hrs	\$148.50
11/27/2019	JLF	Revise Petition and discuss work to be done on file with CMT	0.30 hrs	\$49.50
TOTAL FEES FOR THIS MATTER:			5.60	\$1,641.50

TOTAL FEES:	\$1,641.50
CURRENT INVOICE TOTAL:	\$1,641.50
PLUS PREVIOUS BALANCE:	\$457.50
LESS TRUST/PAYMENTS APPLIED:	\$2,099.00
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
PO. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinke Noonan.com
Tax ID No. 41-0965793

January 06, 2020

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 307006
Attorney: JCK
Client: 28808
Case: 28808-0001
Billed through: 12/31/2019

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:		\$1,641.50
Total Current Bill (Attached)		\$799.00
Payments:		\$2,440.50
Total Outstanding Balance:		\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail.

Payment is due within 30 days.

** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT **



RINKE NOONAN

attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinkenoonan.com
Tax ID No. 41-0965793

Thomas Lee Horvath
28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
01/06/2020
Invoice Number : 307006

FOR PROFESSIONAL SERVICES RENDERED THROUGH 12/31/2019

12/02/2019	JLF	Revise Petition, Compile information for JCK related to the Petition; Discuss Petition with JCK; Assemble a pdf of the draft Petition and Exhibit A and email it to Ed Nelson and Tom Horvath	1.40 hrs	\$231.00
12/02/2019	JCK	Final edits of Petition for repair; Review revisions based on limited repair scope and map provided by E. Nelson; Verify established ditch alignment discrepancies with Ed's map	0.40 hrs	\$136.00
12/03/2019	JLF	Exchange emails with Ed Nelson regarding the draft Petition; Review emails from Ed regarding the missing property report for one of Anthony Kozumplik's properties; Revise Petition and discuss with JCK; Email the revised Petition to Ed Nelson and Tom Horvath	0.90 hrs	\$148.50
12/04/2019	JLF	Telephone conference with Tom Horvath regarding the Petition and the logistics for getting Petitioners to sign it; Email JCK regarding my conversation with Tom	0.30 hrs	\$49.50
12/05/2019	JLF	Discuss file with JCK, Email Tom Horvath and Ed Nelson regarding my conversation with Tom yesterday and JCK today regarding the Petition and possible meeting with JCK; Email Tom and Ed regarding the same	0.60 hrs	\$99.00
12/09/2019	JCK	Answer inquiry regarding execution of Petition by benefitted landowners	0.30 hrs	\$102.00
12/12/2019	JLF	Telephone conference with Tom Horvath regarding a question he has about the Petition; Email JCK regarding my conversation with Tom; Calendar time for JCK to call Tom tomorrow	0.20 hrs	\$33.00
TOTAL FEES FOR THIS MATTER:			4.10	\$799.00

TOTAL FEES:	\$799.00
CURRENT INVOICE TOTAL:	\$799.00
PLUS PREVIOUS BALANCE:	\$1,641.50
LESS TRUST/PAYMENTS APPLIED:	\$2,440.50
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
PO. Box 1497
St. Cloud, MN 56302
Telephone 320 251-6700
www.rinke Noonan.com
Tax ID No. 41-0965793

February 10, 2020

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 308448
Attorney: JCK
Client: 28808
Case: 28808-0001
Billed through: 01/31/2020

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:		\$799.00
Total Current Bill (Attached)		\$721.50
Payments:		\$1,520.50
Total Outstanding Balance:		\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail.

Payment is due within 30 days.

** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT **



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
www.rinke Noonan.com
 Tax ID No. 41-0965793

Thomas Lee Horvath
 28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
 02/10/2020
 Invoice Number : 308448

FOR PROFESSIONAL SERVICES RENDERED THROUGH 01/31/2020

01/02/2020	JLF	Review signatures to Petition; Scan signature pages and discuss work to be done on file with JCK	0.20 hrs	\$36.00
01/03/2020	JCK	Finalize petition documents and transmittal	1.30 hrs	\$487.50
01/03/2020	JLF	Draft letter to the St. Louis County Auditor; Telephone conference with the Auditor's office to confirm mailing address; Discuss work to be done on file with CMT; Assemble an original Petition for filing; Compile maps and property records	0.80 hrs	\$144.00
01/07/2020	JLF	Review the revised letter and packet being sent to the County Auditor regarding the Petition	0.10 hrs	\$18.00
01/20/2020	JLF	Review receipt confirming that the county received the Petition; Discuss work to be done on file with CMT	0.10 hrs	\$18.00
01/28/2020	JLF	Review emails from client and JCK; Review file and email JCK the receipt confirming the date the County Auditor's office received the Petition	0.10 hrs	\$18.00
TOTAL FEES FOR THIS MATTER:			2.60	\$721.50

TOTAL FEES:	\$721.50
CURRENT INVOICE TOTAL:	\$721.50
PLUS PREVIOUS BALANCE:	\$799.00
LESS TRUST/PAYMENTS APPLIED:	\$1,520.50
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinkenoonan.com
Tax ID No. 41-0965793

March 03, 2020

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 309251
Attorney: JCK
Client: 28808
Case: 28808-0001
Billed through: 02/27/2020

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:		\$721.50
Total Current Bill (Attached)		\$112.50
Payments:		\$834.00
Total Outstanding Balance:		\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail.

Payment is due within 30 days.

** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT **



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
 www.rinke Noonan.com
 Tax ID No. 41-0965793

Thomas Lee Horvath
 28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
 03/03/2020
 Invoice Number : 309251

FOR PROFESSIONAL SERVICES RENDERED THROUGH 02/27/2020

02/10/2020	JCK	Review and assemble notes from Telephone conference with assistant County Attorney Pinkert; Prepare update to client	0.30 hrs	\$112.50
02/10/2020	JLF	(No Charge) Discuss file with JCK	0.10 hrs	\$0.00
TOTAL FEES FOR THIS MATTER:			0.40	\$112.50

TOTAL FEES:	<u>\$112.50</u>
CURRENT INVOICE TOTAL:	\$112.50
PLUS PREVIOUS BALANCE:	\$721.50
LESS TRUST/PAYMENTS APPLIED:	\$834.00
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St
PO. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinke Noonan.com
Tax ID No. 41-0965793

July 07, 2020

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 314299
Attorney: JCK
Client: 28808
Case: 28808-0001
Billed through: 06/30/2020

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:		\$112.50
Total Current Bill (Attached)		\$220.50
Payments:		\$333.00
Total Outstanding Balance:		\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail.

Payment is due within 30 days.

**** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT ****



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
 1015 W. St. Germain St.
 P.O. Box 1497
 St. Cloud, MN 56302
 Telephone 320-251-6700
 www.rinkenoonan.com
 Tax ID No. 41-0965793

Thomas Lee Horvath
 28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
 07/07/2020
 Invoice Number : 314299

FOR PROFESSIONAL SERVICES RENDERED THROUGH 06/30/2020

03/02/2020	JLF	Telephone conference with Tom Horvath regarding the status of his file; Review electronic file to see if anything is new since JCK's February 10 email to Tom; Email JCK regarding my conversation with Tom; Calendar time to discuss file with JCK next week and contact Tom	0.20 hrs	\$36.00
03/10/2020	JCK	Follow up on inquiry from C. Pinkert (assist. Cty Atty) and request update on status of petition consideration by County Board	0.30 hrs	\$112.50
06/04/2020	JLF	Review email exchanges between JCK and Attorney Pinkert; Hold potential hearing dates of July 7, 14, and 28 on JCK's calendar	0.20 hrs	\$36.00
06/23/2020	JLF	Review emails from JCK and Chris Pinkert regarding the August 4 hearing on Petition; Update JCK's calendar; Email JCK regarding the hearing	0.10 hrs	\$18.00
06/29/2020	JLF	Remove "holds" on JCK's calendar for the potential hearing dates in July	0.10 hrs	\$18.00
TOTAL FEES FOR THIS MATTER:			0.90	\$220.50

TOTAL FEES:	\$220.50
CURRENT INVOICE TOTAL:	\$220.50
PLUS PREVIOUS BALANCE:	\$112.50
LESS TRUST/PAYMENTS APPLIED:	\$333.00
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinke Noonan.com
Tax ID No. 41-0965793

September 04, 2020

Thomas Lee Horvath
7984 Highway 5
Meadowlands, MN 55765

Invoice Number: 316970
Attorney: JCK
Client: 28808
Case: 28808-0001
Billed through: 08/31/2020

Re: Horvath, Thomas Lee: Ditch issue - St. Louis County

REMITTANCE PAGE

Previous Balance:	\$220.50
Total Current Bill (Attached)	\$1,323.00
Payments:	\$1,543.50
Total Outstanding Balance:	\$0.00

Unapplied	\$0.00
Trust Balance	\$500.00

This is only a summary page.
Please see following pages for detail.

Payment is due within 30 days.

**** REMITTANCE PAGE - PLEASE RETURN WITH PAYMENT ****



RINKE NOONAN
attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
Telephone 320-251-6700
www.rinkenoonan.com
Tax ID No. 41-0965793

Thomas Lee Horvath
28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
09/04/2020
Invoice Number : 316970

FOR PROFESSIONAL SERVICES RENDERED THROUGH 08/31/2020

07/20/2020	JLF	Telephone conference with Tom Horvath regarding the supplemental notice he received from the County; Review the July 14 notice; Exchange emails with Ed Nelson requesting the notice letter that was sent in June; Review email chain between Ed and Phil; Review June 25 notice; Email JCK regarding the notices; Update JCK's calendar regarding the August 4 hearing; Update JCK's calendar on Wednesday with information regarding the file and requesting he contact Tom Horvath	0.70 hrs	\$126.00
07/23/2020	JLF	Review email from JCK; Review file for information JCK needs for the August 4 hearing; Email CMT to compile and prepare information for JCK for the hearing	0.40 hrs	\$72.00
08/03/2020	JCK	Telephone conference with T. Horvath to prepare for meeting with drainage authority to discuss repair of CD 4	0.50 hrs	\$187.50
08/04/2020	JCK	Prepare for, attend and participate in hearing before St. Louis County Board on petition to repair CD 4	2.50 hrs	\$937.50
08/04/2020	JCK	(No Charge) Part travel and delay of hearing	3.00 hrs	\$0.00
TOTAL FEES FOR THIS MATTER:			7.10	\$1,323.00

TOTAL FEES:	\$1,323.00
CURRENT INVOICE TOTAL:	\$1,323.00
PLUS PREVIOUS BALANCE:	\$220.50
LESS TRUST/PAYMENTS APPLIED:	\$1,543.50
TOTAL DUE AND OWING:	\$0.00



RINKE NOONAN

attorneys at law

Suite 300 US Bank Plaza
1015 W. St. Germain St.
PO. Box 1497
St. Cloud, MN 56302
Telephone 320-251-670
www.rinke Noonan.com
Tax ID No. 41-0965793

Thomas Lee Horvath
28808-0001 - Horvath, Thomas Lee: Ditch issue - St. Louis County
07/12/2021
Invoice Number : 329863

Page 2 of 2

FOR PROFESSIONAL SERVICES RENDERED THROUGH 06/30/2021

06/10/2021	JCK	Telephone conference with Tom to discuss ongoing county review of drainage system conditions and to discuss pending meeting (6-10) related to maintenance needs	0.30 hrs	\$117.00
TOTAL FEES FOR THIS MATTER:			<u>0.30</u>	<u>\$117.00</u>

TOTAL FEES:	\$117.00
CURRENT INVOICE TOTAL:	\$117.00
PLUS PREVIOUS BALANCE:	\$740.00
LESS TRUST/PAYMENTS APPLIED:	\$740.00
TOTAL DUE AND OWING:	\$117.00