



Le Sueur County, MN

Tuesday, September 27, 2016

Board Meeting

Item 7

10:50 a.m. John Kolb, Rinke Noonan (5 min)

RE: CD #30 and 54

Staff Contact:

**STATE OF MINNESOTA
LE SUEUR COUNTY BOARD OF COMMISSIONERS
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR LE SUEUR COUNTY DITCHES 30 AND 54**

The matter of the Correction of Drainage System Records for Le Sueur County Ditches 30 and 54

Findings and Order Directing Proceedings to Reestablish and Correct the Drainage System Record for Le Sueur County Ditches 30 and 54 (Statutes §103E.101, subd. 4a)

At a regular meeting of the Le Sueur County Board of Commissioners, seated as Drainage Authority for Le Sueur County Ditches (CD) 30 and 54, on September 27, 2016, Commissioner _____ moved, seconded by Commissioner _____ for adoption of the following Findings and Order:

FINDINGS

1. The Le Sueur County Board of Commissioners is the Drainage Authority for Le Sueur County Ditches (CD) 30 and 54.
2. On January 27, 2015, the Board appointed Chuck Brandel, P.E. of ISG to prepare a condition report for the repair of CD 54.
3. Mr. Brandel has completed his work and has submitted a preliminary repair report dated July 27, 2016.
4. The Drainage Authority has received a request from Ducks Unlimited and the Minnesota Department of Natural Resources to consider a project to modify portions of CD 54 in the vicinity of Sandborn Lake.
5. In considering the request, the Drainage Authority performed an investigation of the drainage system record to determine the extent of modification and the impact of the modification on the jurisdictional drainage system alignment and function.
6. After thorough investigation of the drainage system record, the Drainage Authority finds that the records establishing the alignment, profile, and right-of-way of CD 54 and the disposition of CD 30 following the establishment of CD 54 are incomplete.
7. The Drainage Authority has reviewed the history of CD 54 and has determined that the purpose of the establishment of CD 54 was to subsume and expand CD 30. However, upon establishment of CD 54, remnants of CD 30 were left and not abandoned.

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8. Statutes section 103E.101, subd. 4a, allows the Drainage Authority to initiate proceedings to reestablish records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of a drainage system as originally constructed or subsequently improved.

Therefore, the Le Sueur County Board of Commissioners makes the following:

ORDER

- A. The Board of Commissioners, acting in its capacity as Drainage Authority for County Ditches 30 and 54 shall follow the procedures of Statutes section 103E.101, subd. 4a to reestablish and correct the drainage system record for CDs 30 and 54 to reflect the functional alignment, dimension, and grade of the drainage system as intended and accomplished by the establishment and construction of CD 54.
- B. The Board appoints the engineering firm ISG and engineer Chuck Brandel to investigate the drainage system and to prepare a historical and functional review memorandum, which shall report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system – to include any remnant portions of CD 30 that should be abandoned or redesignated as part of CD 54. This report may be submitted as an addendum to the engineer’s preliminary repair report.
- C. Drainage Authority staff, upon completion of the engineer’s investigation, shall set a date, time, and location for an informational meeting on the reestablished and corrected drainage system records as well as the proposed repair of CD 54 and the DU/DNR project.
- D. Drainage Authority staff, upon completion of the informational meeting, shall set a date, time, and location for a hearing on the reestablished and corrected drainage system records.
- E. Drainage Authority staff shall give notice of the hearing by mail to the Commissioner of Natural Resources, the Executive Director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage systems and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on the Drainage Authority’s web-site, if one exists.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order and there were ___ yeas and ___ nays. Upon vote, the Board Chair declared the motion passed and the findings and order adopted.

Dated this ___ day of September 2016.

LE SUEUR COUNTY BOARD OF
COMMISSIONERS SEATED AS DRAINAGE
AUTHORITY UNDER STATUTES CHAPTER 103E
FOR LE SUEUR COUNTY DITCHES 31 AND 54

Attest:

County Administrator

By _____
Chairperson

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