

**ST. LOUIS COUNTY DRAINAGE AUTHORITY  
PROCEEDINGS**

Tuesday, August 4, 2020

The St. Louis County Drainage Authority meeting was called to order at 11:11 a.m., by Chair Keith Nelson in the St. Louis County Courthouse, Duluth, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Beth Olson, Paul McDonald, Keith Musolf, Mike Jugovich and Chair Keith Nelson - 7. Absent: None - 0.

Commissioner Olson attended by WebEx.

Commissioner Jewell, supported by Commissioner Jugovich, moved to approve the minutes of the July 28, 2020, St. Louis County Drainage Authority meeting. A roll call vote was taken and the motion passed; seven yeas, zero nays.

At 11:14 a.m., a public hearing was conducted pursuant to Resolution No. 20-02, adopted June 23, 2020, on the County Ditch #4 Repair Petition. St. Louis County Assistant Attorney Chris Pinkert provided the Board with an overview of the ditch process. One of the Board's responsibilities is to determine if repairs are in the best interest of property owners. Deputy Public Works Director Brian Boder said that ditch #4 has 69.18 miles of ditch; the estimated cost to repair the total ditch system would be approximately \$5,066,970. The petitioned area contains 29.2 miles of ditch; estimated cost to repair the petitioned area is approximately \$2,285,890. John Kob, of Rinke Noonan Law Firm, spoke on behalf of the petitioners and said that the petition was intended to spur the Board to take action because County Ditch #4 is not working and the petitioners have been trying to get the issue resolved for a number of years. Chair Nelson asked if there were any governmental entities who wished to speak. Elmer Township Supervisor Dean Matvey addressed the Board and was concerned about the timing of repair decisions since the town board meets quarterly. In addition, Mr. Matvey also was concerned about the shifting of ditch maintenance costs to township residents. Chair Nelson asked if there were any supporters who wished to speak. Ed Nelson, of Hibbing, said that water has crept up since the county stopped ditching in the 1990's. Tom Horvath, of Meadowlands, commented on the impact on his business due to the lack of maintenance of the ditch system; some ditches remain full after two inches of rain. Tony Kozumplik, of Meadowlands, said that the sitting water in the ditch is affecting the land and roads. Mike Walzak, of Meadowlands, commented that he is losing money because the ditches are not draining properly. Chair Nelson asked if there are opponents who wished to speak. John Heikkinen, of Hermantown, commented that he is opposed to the ditch repair petition due to the financial impact to landowners. Chair Nelson asked if there were any other citizens who wished to speak regarding the proposed action, and no one asked for the opportunity to speak. At 12:21 p.m., Commissioner Boyle, supported by Commissioner McDonald, moved to close the public hearing. A roll call vote was taken and the motion passed; seven yeas, zero nays.

Commissioner Jugovich, supported by Commissioner Nelson, moved that based on input and evidence provided at the hearing, the Drainage Authority makes the following Findings of Fact and Order as to the repair petition: Findings of Fact - 1. The Drainage Authority finds the 1916-1917 benefits and damages of record for County Ditch #4 do not reflect reasonable present-day land values; and further, that the St. Louis County Board of Commissioners, acting as Drainage Authority

for County Ditch #4, orders that the St. Louis Public Works Department shall perform a redetermination of benefits for County Ditch #4 and shall pursue the hiring of Ditch Viewers and an Engineer with the appropriate qualifications to perform the work in a timely manner. The motion passed; seven yeas, zero nays. Resolution No. 20-04

## **COUNTY DRAINAGE AUTHORITY RESOLUTION NO. 20-04**

### **BY COMMISSIONER JUGOVICH:**

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

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

WHEREAS, The Drainage Authority established a public hearing on the petition for August 4, 2020, and gave due notice by publication to all persons interested in the repair and by mail to petitioners, affected landowners, affected political subdivisions, and affected entities; and

WHEREAS, On August 4, 2020, the Drainage authority, pursuant to proper notice, held a public hearing on the repair petition and received input from affected and interested parties, as well as county staff regarding their work on this matter; and

WHEREAS, The values representing benefits, damages, etc., for the County Ditch #4 system are over one-hundred years old; and

WHEREAS, The Drainage Authority believes the recorded benefits and damages for County Ditch #4 do not reflect reasonable present day values; and

WHEREAS, The Drainage Authority desires to make an informed decision regarding the best interests of the affected parties.

THEREFORE, BE IT RESOLVED, That based on input and evidence provided at the hearing, the Drainage Authority makes the following Findings of Fact and Order as to the repair petition:

### **FINDINGS OF FACT**

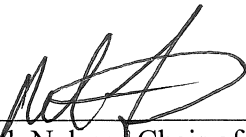
1. The Drainage Authority finds the 1916-1917 benefits and damages of record for County Ditch #4 do not reflect reasonable present-day land values.


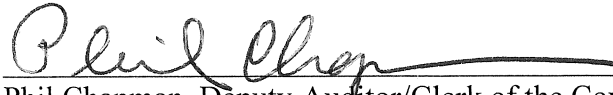
### **ORDER**

IT IS THEREFORE ORDERED by the St. Louis County Board of Commissioners, acting as Drainage Authority for County Ditch #4, that the St. Louis Public Works Department shall perform a redetermination of benefits for County Ditch #4 and shall pursue the hiring of Ditch Viewers and an Engineer with the appropriate qualifications to perform the work in a timely manner.

Unanimously adopted August 4, 2020.

At 12:29 p.m., August 4, 2020, Commissioner Jewell, supported by Commissioner Boyle, moved to adjourn the meeting. A roll call vote was taken and the motion passed; seven yeas, zero nays.

  
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Keith Nelson, Chair of the Drainage Authority

  
  
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Phil Chapman, Deputy Auditor/Clerk of the County Board