

**DRAINAGE POLICY
FOR JOINT COUNTY DRAINAGE SYSTEMS IN
MEEKER, MCLEOD, RENVILLE, SIBLEY, AND WRIGHT COUNTIES
OPERATION, MAINTENANCE, & REPAIRS**

The following policy is intended to supplement Minnesota Statutes, chapter 103E, in the operation, maintenance, and repair of public joint county drainage systems where the drainage authority is made up of members from the Board of Commissioners of two or more of the following counties: Meeker County, McLeod County, Renville County, Sibley County, and Wright County (“joint county drainage authority members”). This policy shall not apply to individual (single county) public drainage systems, unless specifically adopted by the individual county board having jurisdiction over the drainage system. If there are any discrepancies between this policy and Minnesota Statutes, chapter 103E, the statutes shall govern.

1. DEFINITIONS:

The definitions found in Minn. Stat. § 103E.005 are used in this document.

Approved Herbicides: Herbicides approved by the Drainage Inspector and complying with all local, state, and federal restrictions.

Drainage Inspector: Unless otherwise determined by the joint county drainage authority, pursuant to Minn. Stat. § 103E.065, the joint county drainage authority members hereby establish that the Drainage Inspector for the portion of a joint county drainage system located within each respective county shall be appointed as the same person acting as the county drainage inspector within that county.

Joint County Drainage System: Public drainage system under the jurisdiction of a joint county drainage authority.

Noxious Weeds: Annual, biennial, or perennial plants that the Commissioner of the Minnesota Department of Agriculture designates as having the potential or are known to be detrimental to human or animal health, the environment, public roads, crops, livestock, or other property.

2. APPOINTING JOINT COUNTY DRAINAGE AUTHORITY:

If a petition for a joint county drainage project is filed or proceedings affecting a joint county drainage system are initiated, and there is no appointment order on file for the joint county drainage system, the board of commissioners of each county drainage authority member shall meet concurrently and consider appointments to the joint county drainage authority board.

The template attached as **EXHIBIT A** to this policy may be used for appointing member commissioners to the joint county drainage authority.

3. JOINT COUNTY DRAINAGE SYSTEM INSPECTIONS:

Unless otherwise authorized by the joint county drainage authority, the Drainage Inspector shall inspect the portion of any joint county drainage system located within its county on a regular basis, at least once every five years.

If a violation of the permanent strip of perennial vegetation requirement in Minn. Stat. § 103E.021 is found, the joint county drainage system will be inspected annually at the location where the violation occurred until one year after the violation is corrected. As used in this section, a violation occurs if there is less permanent growth of perennial vegetation at the time of inspection than the width lawfully acquired and established consistent with ch. 103E.

The Drainage Inspector shall also respond to any requests for inspection and examine the joint county drainage system as requested.

Open ditches shall be inspected for obstructions that impede water, such as trees, beaver dams, and other foreign or natural debris. Inspection under this section does not require, nor rely upon, any hydrologic or hydraulic engineering.

Covered drainage systems shall be visually inspected at the outlet and each inlet point for clogs or obstructions. The surface path of the covered drainage system shall also be visually inspected for blow-out points. An inspection pass does not require, nor rely upon, televising the pipe unless deemed necessary by the Drainage Inspector.

The Drainage Inspector shall make a drainage inspection report in writing.

Drainage Inspection reports that designate portions of the joint county drainage system that need repair or maintenance estimated to cost more than \$60,000, or for maintenance of the permanent strips of perennial vegetation, shall be filed with the joint county drainage authority and a meeting of the joint county drainage authority shall be noticed and held to consider the report.

Drainage Inspection reports that designate portions of the joint county drainage system that need repair or maintenance estimated to cost \$60,000 or less or that report the joint county drainage system does not need repair shall be filed with the joint county drainage authority for review at its next meeting.

4. VEGETATION CONTROL:

Spraying Program: The purpose of vegetation control is to prevent the growth of any type of tree, brush, non-herbaceous vegetation, or noxious weed within a joint county drainage system or its right-of-way in order to reduce frequency and cost of future maintenance and repairs. The Drainage Inspector may conduct an annual review of the portion of the joint county drainage system within its county to devise a spraying program. After review, the Drainage Inspector may select areas within the joint county drainage system for spraying and create a reasonable spraying program to control vegetation. The Drainage Inspector shall have discretion to select areas for spraying. Upon request, the Drainage Inspector will provide a copy of the spraying program areas selected for spraying annually.

Approved Herbicides: Any landowner desiring to spray any area within the joint county drainage system right-of-way on their property must first obtain permission from the Drainage Inspector and use only Approved Herbicides.

Opt Out of Spraying Program: Property owners wanting to opt out of chemical spraying must notify the Drainage Inspector in writing each year on or before March 1st and install and maintain posted signs defining the no-spray area. Signs must be in place by May 1 and be clearly visible to spraying personnel. Upon receipt of said written notification, the Drainage Inspector shall provide a "spray start date" to the property owner who provided written notice. The property owner providing notice shall have the option to remove all trees and brush in the ditch right-of-way at their own expense. Upon completion, the property owner shall notify the Drainage Inspector who shall then inspect the removal. If the removal of vegetation is satisfactory, as determined by the Drainage Inspector, the Drainage Inspector may remove the applicable area from that year's designated area for chemical spraying. If the removal is not satisfactory, or if not completed by the "spray start date," chemical spray will be applied as determined necessary and proper by the Drainage Inspector.

Tree Planting: If a county has adopted an ordinance regarding tree planting that is compliant with the minimum requirements of chapter 103E, then the county's ordinance shall apply to the portion of the joint county drainage system within that county. In any county in which there is no ordinance regarding tree planting, then the following policy shall apply to that portion of the joint county drainage system within that county:

No person shall plant trees within the right-of-way of a drainage system or the permanent perennial, vegetative buffer lawfully acquired and established through drainage proceedings. No person shall plant trees within the easement area or right-of-way lawfully acquired and established on each side of the center line of a drainage tile line.

Tree Removal: Trees that need to be removed from a joint county drainage system will be removed in a manner that will reduce erosion to the extent possible. Trees will be piled,

burned, and buried when dry, unless an alternative method of disposal is deemed appropriate by the Drainage Inspector.

Property owners may remove trees themselves at their own expense, but only after notifying the Drainage Inspector of the county where the trees are located prior to a maintenance or repair contract being awarded or any work being completed. Trees and other obstructions (e.g. stumps, logs, debris, concrete, equipment) are prohibited from being placed or left within the joint county drainage system right-of-way. Property owners shall be liable for damages caused to the joint county drainage system by removal of trees and brush in the joint county drainage system's right-of-way. If, upon inspection, the removal of trees, brush, and other obstructions in the joint county drainage system's right-of-way is not performed to the Drainage Inspector's satisfaction, the Drainage Inspector may order the physical removal of trees, brush, or other obstructions. In such situations, chemical application may be utilized to control trees, brush, or other vegetation consistent with this policy.

Crop Damage: During the course of the spraying and whenever crops are encountered, the joint county drainage authority or its designee will use reasonable and prudent care in the operation of vehicles to minimize crop damage. The joint county drainage authority may provide reasonable reimbursement for crop damage within areas where permanent construction easements or right-of-way have not been acquired by the joint county drainage system. Any crop damage which occurs within the 16.5-foot designated right-of-way from the top of the ditch bank, or within areas where permanent construction easements or right-of-way have been acquired by the joint county drainage system shall not be eligible for reimbursement.

5. **DRAINAGE SYSTEM REPAIRS:**

Repairs anticipated to cost more than \$60,000 shall be brought to the full joint county drainage authority for consideration and approval before any work is done. All repair work documentation shall become part of the joint county drainage system permanent record.

Damage payments will be calculated and payment made to the current property owner of record at a rate approved by the joint county drainage authority.

Minor Repair Authorization: Minor repairs costing equal to or less than \$60,000 may be done on a request basis at the discretion of the Drainage Inspector where the repair is requested or noted in a drainage inspection report. Minor repairs include, but are not limited to, ditch cleaning (commonly referred to locally as "dip outs") and tile repairs. Minor repair requests may be directed to the appropriate Drainage Inspector in writing. The Drainage Inspector may authorize the repair and arrange for an appropriate contractor to be involved with the repair.

Scope of Work: All minor repairs will be reviewed by the Drainage Inspector where the repair occurs to determine the appropriate limits of work so that any work done will return the joint county drainage system to proper operating condition. Work may extend within the drainage system right-of-way downstream and upstream of an area where a repair is requested, if necessary.

6. EROSION CONTROL MEASURES:

In maintenance or repair of joint county drainage systems, the joint county drainage authority may promote erosion control measures.

The most common cause of erosion in ditches is a lack of adequate structures to control side inlet water flow into the ditch; therefore, the Drainage Inspector will install drop inlet pipe structures where he or she determines necessary, in his or her discretion. When installing a drop inlet pipe structure, the joint county drainage system may, at the joint county drainage authority's discretion, pay the following expenses:

1. Up to sixty (60) feet of pipe; dual wall plastic pipe preferred, the first twenty (20) feet being non-perforated;
2. The blind tee;
3. The marker flags;
4. Trash guard on perforated riser;
5. Rodent guard on outlet pipe;
6. A perforated riser, which must extend three inches (3") above ground level. Adequate cuts must be made in the riser starting at the ground level, to handle heavy rains;
7. 1.5" – 3" rock around the inlet pipe with filter fabric underneath the rock; and
8. Necessary excavation to install the drop inlet pipe structure.

All expenses associated with extending the horizontal pipe beyond sixty (60) feet may be paid by the property owner and/or the person requesting the extension.

The Drainage Inspector shall select sites for drop inlet pipe structures based on requests received and inspections. Drop inlet pipe installation authorization will rest with the Drainage Inspector. The design of a drop inlet pipe structure must be approved by the Drainage Inspector. If the installation cost of a drop inlet pipe and minor repair is expected to exceed \$60,000.00, the project shall be brought to the full joint county drainage authority for consideration and approval.

Attached to this Policy as **EXHIBIT B** is a diagram depicting a typical drop inlet pipe structure.

In addition to, or in place of a drop inlet structure, the joint county drainage authority may recommend additional or alternative water treatment measures in coordination with adjacent property owners. Additional or alternative treatment measures may include impoundment or water storage systems that would serve to attenuate surface water discharge and improve water quality.

In order to continue to encourage private landowners to control bank wall erosion along open public drainage channels from failed private drainage outlet pipes, the joint county drainage authority will offer the following option to private tile outlet owners: the first twenty (20) feet of drainage outlet pipe will be provided to the property owner at no cost; it will instead be paid by the joint county drainage system repair fund. The owner of the failed outlet pipe shall be responsible for all installation of the new pipe.

The joint county drainage authority shall not be responsible for repairing or the costs of repairing private intakes, including private intakes constructed into joint county drainage systems.

7. BEAVER CONTROL:

Trapping: When beaver or beaver dams are reported or discovered, a trapper will be retained by the Drainage Inspector to remove the problem beaver. To receive compensation, trappers must demonstrate the number of beavers trapped and the location where trapped. The retained trapper may provide dated photographic evidence to the Drainage Inspector of sufficient detail to prove the beaver were trapped. It is the trapper's responsibility to contact the Minnesota Department of Natural Resources or other government agency for appropriate approval for trapping beavers out-of-season, and to retain a valid trapper's license. The Drainage Inspector of the county where the beaver is trapped will set the rate of payment for removal of beaver.

Beaver Dams: After the beaver have been removed, the Drainage Inspector may hire a contractor to remove the beaver dam(s) by mechanical means, if possible. If explosives are to be used, the contractor and removal process must be approved by the County Sheriff or other government agency where the beaver dam is located and all proper permits and insurance must be obtained.

The joint county drainage authority may participate in the State's nuisance control program for beavers if appropriate.

8. PERMANENT STRIPS OF PERENNIAL VEGETATION (GRASS BUFFER):

Compliance with Minn. Stat. § 103E.021: The joint county drainage authority will follow the guidelines laid out in Minn. Stat. § 103E.021 in regard to permanent grass strips. In cases where

Minn. Stat. § 103E.021 does not apply, the joint county drainage authority defers to the respective County Buffer Ordinance in place under Minn. Stat. § 103F.48.

Violations: Landowners will be notified by the Drainage Inspector if a violation of the buffer strip requirements in ch. 103E is found. The landowner will be given 60 days to bring the area of non-compliance into compliance. If the area is not brought into compliance during this period, the joint county drainage authority will proceed in a manner described in Minn. Stat. § 103E.021, subds. 4 & 5.

Agricultural Practices: Agricultural practices such as plowing, tilling, pasturing livestock or other practices, which are not consistent with the purpose of the grass buffer strip, are not permitted. The grass buffer strip may be cut from time to time, but the cut hay must be removed. Grasses used to seed slopes and grass buffer strip will need to be resistant to sprays and chemicals used to control brush. Alfalfa seeding will be allowed on the slopes or grass buffer strips so long as the alfalfa is seeded at a sufficient time to be established before the winter season and notice is provided to the local soil and water conservation district before a buffer is reseeded to alfalfa. No allowance shall be given for damages to alfalfa within the buffer strip resulting from the Drainage Inspector's spraying program.

9. **PRIVATE APPROACHES AND CROSSINGS:**

Private crossings currently existing on joint county drainage systems may or may not have been constructed as part of the joint county drainage system. Upon a request to repair or improve an existing crossing, the Drainage Inspector of the county where the crossing is located shall first determine:

1. Whether the crossing was established as part of the joint county drainage system;
2. Whether the crossing constitutes an obstruction of the joint county drainage system; and
3. Whether the crossing could be eliminated by consolidation.

Crossings Established as Part of the Joint County Drainage System: If the Drainage Inspector determines the crossing was established as part of the joint county drainage system, the Drainage Inspector shall investigate the request to repair, replace, or improve the crossing. There are areas where tracts of land would be land-locked if not for the installation of culvert crossings over open drainage ditch. Existing crossings may be too narrow to accommodate modern farm equipment or have deteriorated pipe materials. Older crossings with reinforced concrete pipe (RCP) may consist of multiple sections of pipe, which were not tied together. This leads to separation over time and, potentially, failure of the crossing. In relation to these issues, the following policies pertain:

1. On RCP crossings that require only that sections be tied and/or relayed to grade to make the crossing usable, the joint county drainage system will pay for labor

to perform such work. The Drainage Inspector will arrange for and observe this work to ensure the crossing does not present an obstruction to the hydraulic capacity of the joint county drainage system.

2. Where landowners/operators wish to add sections of RCP and widen the crossing, the landowner/operator is responsible for all related costs. The work must be coordinated through the Drainage Inspector so that the Drainage Inspector may observe the work. The Drainage Inspector will inspect the work post-installation to ensure the crossing does not present an obstruction to the hydraulic capacity of the joint county drainage system.

Increasing the width or capacity of an existing crossing or culvert that is part of the joint county drainage system may be an improvement, and not a repair, and must only be approved under the procedures for an improvement in Minnesota Statutes, chapter 103E.

The joint county drainage authority reserves the right to use alternative measures to maintain a landowner's right of access, including but not limited to replacement of a bridge or culvert with another suitable material, obtaining an alternative legal right-of-way, or compensation to landowners instead of bridge or culvert repair. The amount of compensation paid instead of repair of bridges or culverts shall be set by the joint county drainage authority on a case-by-case basis.

A landowner wishing to remove a private field crossing constructed as part of the joint county drainage system must submit a written request and receive permission from the Drainage Inspector of the county where the crossing is located prior to removal. As a condition of the permission authorizing removal of the crossing or culvert, the landowner must execute and record a Field Crossing Removal Agreement on the property to acknowledge that the crossing or culvert shall no longer be part of the joint county drainage system and releasing the joint county drainage authority of any obligation to maintain or reconstruct the private crossing.

A sample of the Field Crossing Removal Agreement is attached to this policy as **EXHIBIT C**.

Crossings Not Constructed as Part of the Drainage System: If the Drainage Inspector determines the crossing is not part of the joint county drainage system and constitutes an obstruction, the Drainage Inspector shall make a report and present such findings to the joint county drainage authority. If the joint county drainage authority determines that the joint county drainage system has been obstructed, including by the installation of bridges or culverts of insufficient capacity, the joint county drainage authority shall notify the person or public authority responsible for the obstruction as soon as possible and direct the responsible party to remove the obstruction or show the joint county drainage authority why the obstruction should not be removed. The joint county drainage authority shall set a time and location in the notice for the responsible person to appear before the joint county drainage authority.

A landowner wishing to repair, construct, or modify a private crossing or culvert over a joint county drainage system must submit a written request and receive permission from the Drainage Inspector prior to repair, construction, or modification in accordance with the terms of this section. The Drainage Inspector shall set the width, depth, and size of the crossing or culvert and shall inspect the crossing or culvert after construction. The Drainage Inspector may seek the advice of a licensed engineer to determine if the proposed crossing or culvert will impair the hydraulic capacity of the drainage system. The landowner shall be responsible for the costs of design, including engineers' costs, if necessary, and all other costs incurred by the joint county drainage authority as a result of the private crossing request. Private crossings not built as part of the joint county drainage system are the responsibility of the landowner. If a private crossing not built as part of the drainage system must be removed or repaired by the joint county drainage authority, the costs may be charged to the landowner. In addition, the landowner must observe the following requirements:

1. All costs incurred by the joint county drainage authority in repairing an existing culvert or crossing, installing an additional culvert, or in widening or extending the crossing or culvert must be paid by the landowners requesting the repair or improvement.
2. Any new culvert must be bedded properly and installed at the as-constructed-and-subsequently-improved elevation of the joint county drainage system.
3. All materials used in the installation must be of the same or better quality than the original construction.
4. The flow under the crossing or through the culvert, to the extent practicable, must remain the same as the original flow characteristics.
5. The landowner responsible for constructing the crossing or culvert shall be responsible for all repairs or maintenance caused by improper installation.
6. If at some future date an extended crossing or culvert is replaced as a repair, the landowners shall be responsible for replacement of the extended portion of the crossing or culvert.
7. As a condition to the permission authorizing installation of the crossing or culvert, the landowner must execute and record a restriction on the property to acknowledge that the crossing or culvert shall not be part of the joint county drainage system and subjecting the property, and any additional real estate added thereto, to ongoing operations and maintenance of the culvert.

A sample of the restriction is attached to this policy as **EXHIBIT D**.

The joint county drainage authority reserves the right to remove, at the landowner's expense, any improperly constructed crossing or culvert, extension of a crossing or culvert, or any crossing or culvert installed without prior approval from the Drainage Inspector. The joint county drainage authority has no obligation to grant permission for installing or modifying a crossing or culvert. To the extent possible, the joint county drainage authority will require the consolidation of crossings and culverts.

Bridges: Bridge expenses will need to be reviewed by the Joint County Drainage Authority on a case-by-case basis.

Irrigation Crossings: Irrigation crossings shall be of a bridge type that will not affect the flow of water, be installed in a manner that will not restrict repairs on a joint county drainage system, and be able to be removed easily. The use of multiple culverts, new or used, will not be allowed for the crossing of irrigation systems unless they are part of a present field crossing. All costs for irrigation crossings shall be the responsibility of the property owner. The Drainage Inspector will set the width, size, depth, or other aspects of an irrigation crossing and will inspect the crossing after installation.

10. ADDITIONAL DRAINAGE BY USING DITCHES AND NEW TILE:

Adding Drainage from Outside the Drainage System: Property owners wishing to use an established joint county drainage system as an outlet for acres not benefited by the existing drainage system must follow Minn. Stat. § 103E.401. The joint county drainage authority will determine the fee and prorated assessment base for adding land to the joint county drainage system. This may include outlet fees and assessments for benefits.

Municipal Discharge: Municipalities requesting to use a drainage system as an outlet must follow Minn. Stat. § 103E.411.

11. REVIEW OF BENEFITS:

Prior to recommending any project herein, the Drainage Inspector shall review the benefits for the affected joint county drainage system and determine whether the project is cost effective for the most recent determination of property benefited. If the Drainage Inspector determines that the benefits need to be reviewed and subsequently re-determined, he or she shall include a preliminary recommendation to the joint county drainage authority prior to any work being performed.

12. REMOVAL OF PROPERTY, ABANDONMENT OR PARTIAL ABANDONMENT:

Removal of Property: If property within the benefited area of a joint county drainage system no longer benefits from the system, the owner of the benefited property may petition the joint county drainage authority to have the property removed from the joint county drainage system in accordance with Minn. Stat. § 103E.805.

Abandonment of Joint County Drainage System: If an owner of benefited property believes that a joint county drainage system, or part of a joint county drainage system, is no longer of public benefit and utility, no longer serves any useful purpose to any property or the general

public, or has ceased to function to the point that restoration is no longer feasible, the property owner may file a petition to abandon the entire joint county drainage system, or part of the joint county drainage system, in accordance with Minn. Stat. §§ 103E.811 or 103E.806, respectively.

13. JOINT COUNTY DRAINAGE SYSTEM REPAIR FUNDS:

Minn. Stat. § 103E.735 allows the joint county drainage authority to establish a repair fund for each separate joint county drainage system account. The repair fund for each joint county drainage system may not exceed 20% of the most recent benefit determination or \$100,000, whichever is greater. Assessments for a repair fund shall be pro-rated according to the determined benefits. The Drainage Inspector, or other county staff, may recommend to the joint county drainage authority which systems should have repair funds and the amount of any annual repair fund assessment. If land has drainage system benefits when it is sold and is assessed into the joint county drainage system, the purchaser, even if it is the State or Federal government, should be responsible for paying future assessments to the extent allowed by law.

14. MISCELLANEOUS DRAINAGE SYSTEM ISSUES:

Livestock: Livestock will not be allowed to be in a joint county drainage system ditch except to cross at approved locations. If livestock must cross a joint county drainage system ditch, the preferred method is to utilize an elevated or installed crossing that prevents the livestock from entering the water. Livestock may be watered from a joint county drainage system ditch; however, access to the ditch must be reasonably controlled to avoid causing any damage to the ditch. Livestock will be allowed to graze along a joint county drainage system ditch for short periods of time to remove vegetation and then must be removed. No over-grazing or trampling of the joint county drainage system ditch banks will be allowed. Owners wishing to graze the spoils and slopes must contact the Drainage Inspector to work out an approved rotation for the livestock to be allowed to graze. Any damage to a joint county drainage system ditch caused by livestock shall be the responsibility of the owner of the livestock.

Manure: Manure shall be spread a minimum of 100 feet from the crown of the spoils, and any stockpiling of manure shall be a minimum of 300 feet from the crown of the spoils, unless greater distances are imposed by other authority.

Feedlot Runoff: Feedlot runoff shall be prevented from entering the joint county drainage system.

Fences: Fences installed closer than 16.5 feet from the crown of the spoils require written permission from the Drainage Inspector. Fences that fall within this guideline shall include access gates to allow for inspection and maintenance of the joint county drainage system. In the event of a joint county drainage system repair for which the fence must be removed, the

property owners shall be responsible for removal and replacement of any fencing within 16.5 feet of the crown of the spoils.

Erosion-Pollution: If erosion or pollution issues are discovered, proper measures shall be taken to correct the problem to the extent possible. If erosion is discovered due to water entering the joint county drainage system ditch over the spoil's bank, then drop inlet pipe structures should be installed in accordance with section 5 herein.

Septic Systems: No septic system will be allowed to discharge into a joint county drainage system.

Deer Stands: Deer stands and other facilities used for recreation should not be placed closer than 16.5 feet from the crown of the joint county drainage system ditch. The Joint County Drainage Authority or Drainage Inspector will remove any structure blocking maintenance to a joint county drainage system, regardless of its distance from the system.

Rock and Other Obstructions: Rocks or other obstructions are prohibited from being placed within the right-of-way of a joint county drainage system.

Property Owner Rights: None of these policies are intended to allow for additional access to property owner's property which is not already allowed by law. If possible, contractors or Joint County Drainage Authority personnel should contact property owners before entering property.

Adopted the 20th day of May, 2003.

First revised on the 18th day of September, 2007.

Second revised on the 13th day of March, 2012.

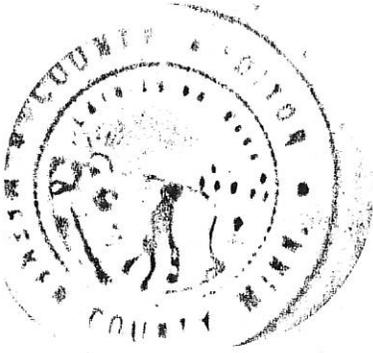
Third revised on the 25th day of March, 2022.

[Signature Pages to Follow]

Approved by the Meeker County Board of Commissioners at a duly noticed and public meeting held on this 5th day of April, 2022.

Bette Oberg
Chairperson, Meeker County Board of Commissioners

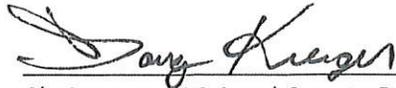
Dated: 4-5-2022



ATTEST:

Barbara Loch
Barbara Loch, Auditor
Meeker County, Minnesota

Approved by the McLeod County Board of Commissioners at a duly noticed and public meeting held on this 19th day of April, 2022.



Chairperson, McLeod County Board of Commissioners

Dated: 04-19-2022

ATTEST:



Connie Kurtzweg, Auditor-Treasurer
McLeod County, Minnesota

Approved by the Renville County Board of Commissioners at a duly noticed and public meeting held on this 26th day of April, 2022.



Chairperson, Renville County Board of Commissioners

Dated: 4-26-22

ATTEST:



Marc Iverson, Auditor-Treasurer
Renville County, Minnesota

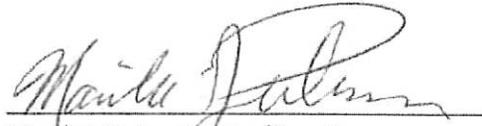
Approved by the Sibley County Board of Commissioners at a duly noticed and public meeting held on this 26~~th~~ day of April, 2022.



Chairperson, Sibley County Board of Commissioners

Dated: 4/26/22

ATTEST:



Marilee Peterson, Auditor-Treasurer
Sibley County, Minnesota

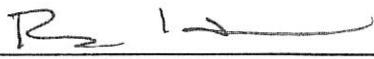
Approved by the Wright County Board of Commissioners at a duly noticed and public meeting held on this 15th day of June, 2022.



Chairperson, Wright County Board of Commissioners

Dated: 5-17-22

ATTEST:



Bob Hiivala, Auditor-Treasurer
Wright County, Minnesota

STATE OF MINNESOTA
 _____ COUNTY BOARD OF COMMISSIONERS
 _____ COUNTY BOARD OF COMMISSIONERS
 SEATED CONCURRENTLY PURSUANT TO MINNESOTA STATUTES SECTION 103E.235 FOR THE
 PURPOSE OF APPOINTING MEMBERS TO THE JOINT COUNTY DRAINAGE AUTHORITY BOARD
 FOR _____ / _____ COUNTIES JOINT/JUDICIAL DITCH ____

The matter of the petition of the Appointment of Members to the Joint County Drainage Authority Board	Appointment Order
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The County Boards of Commissioners of _____ and _____ Counties, meeting concurrently at their regular meetings on _____, 202__ and _____, 202__ considered appointments to the Joint County Drainage Authority Board of _____ / _____ Counties Joint/Judicial Ditch (JD) _____. After consideration of the matter and upon motion and second duly noted in the minutes of meeting, the Boards adopt the following Findings and Order:

[For petitions to establish new joint county drainage systems]

WHEREAS, a petition for <name of drainage project> dated <date> was filed with the _____ County Auditor on <date> and proposes to affect properties in two or more counties, requiring the formation of a joint county drainage authority; and

[For existing joint county drainage systems]

WHEREAS, the _____ / _____ Counties JD ____ is an existing Joint County Ditch between the two or more Counties and the Joint County Drainage Authority for JD ____ was established by previous joint action of the County Boards of Commissioners; and

WHEREAS, the resolution establishing the Joint County Drainage Authority did not address the filling of vacancies or re-appointment of membership to the Joint County Drainage Authority Board; and

WHEREAS, vacancies exist on the Joint Drainage Authority Board.

THEREFORE, based on the forgoing, the Boards of Commissioners of _____ and _____ Counties, seated concurrently, adopt the following:

ORDER

1. The Boards acknowledge <and reestablish> the Joint County Drainage Authority pursuant to Minnesota Statutes, section 103E.235 for _____ / _____ Counties JD ____.
2. <Vacancies on the> Joint County Drainage Authority Board are filled by following initial members:

- _____ (_____ County, District __)

3. Future vacancies on the Joint County Drainage Authority Board shall be filled by the successor Commissioner from the district indicated.
4. In the case of a conflict of interest of one or more Board members making a quorum or majority impossible, the County Boards, by concurrent resolutions, may make temporary appointments to the Joint County Drainage Authority Board.
5. _____ County is designated as the “majority” county for JD _____. The _____ County Auditor shall coordinate with the _____ County Auditor and proceed with future management and administration of JD _____ according to Minnesota Statutes Chapter 103E.

6. The Joint County Drainage Authority acknowledged and reestablished herein shall be perpetual until either dissolved or modified by future action of the _____ and _____ County Boards of Commissioners, seated jointly.
7. Each County Board of Commissioners reserves the right to amend the Districts of its members stated herein; however, future action of the _____ and _____ County Boards of Commissioners, seated jointly, is required to modify the number of members from each County constituting the Joint County Drainage Authority.
8. This Order may be signed in counterparts and the counter parts together constitute the full Order.

After discussion, the motion **Passed** and the Findings and Order were **Adopted**.

Dated this __ day of _____, 202__ _____ COUNTY BOARD OF COMMISSIONERS

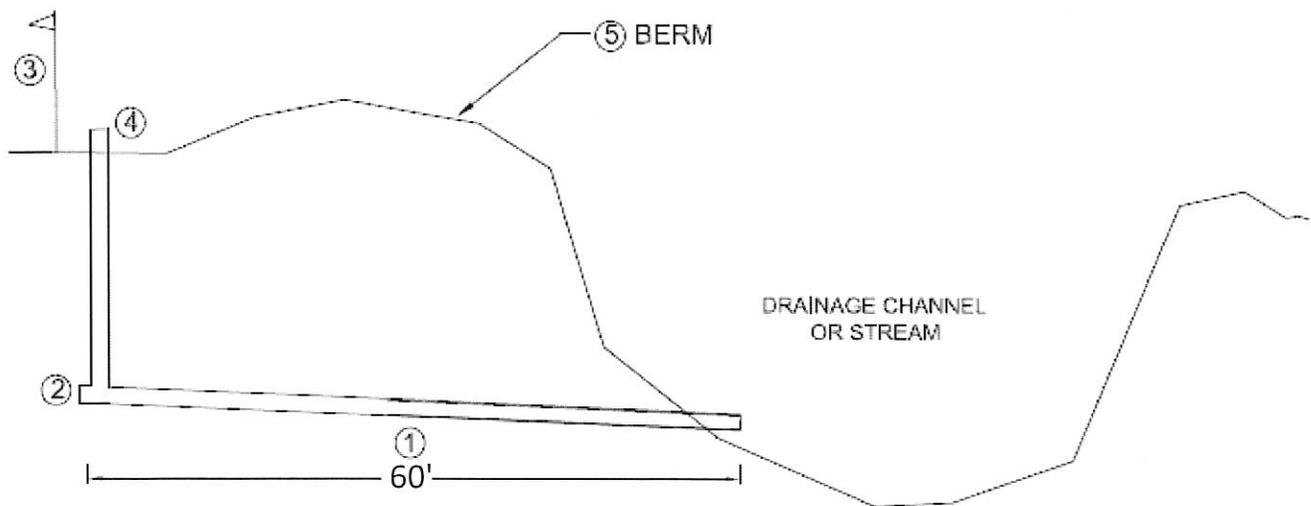
By _____
Chairperson

Dated this __ day of _____, 202__ _____ COUNTY BOARD OF COMMISSIONERS

By _____
Chairperson

DRAINAGE DITCH DROP INLET PIPE TYPICAL

- 1) Up to sixty feet of dual wall plastic pipe, or equivalent. The twenty feet preceding the outlet end must be non-perforated pipe. Outlet required to have a rodent guard. All necessary excavation to install. Discharge point shall be near the top of the ordinary water level.
- 2) Blind tee.
- 3) Marker flag with minimum exposed height of five feet.
- 4) A perforated riser, which must extend three inches (3") above ground level. Adequate cuts must be made in the riser starting at the ground level to handle heavy rains. Surround inlet with 1.5-3" rock (approx. 6" deep by 6' diameter) underlaid with non-woven geotextile. All necessary excavation to install.
- 5) Berm elevation to be at least six inches higher than the top of perforated riser.



_____(Drainage System) FIELD CROSSING
REMOVAL AGREEMENT

This Agreement is made and entered into on this _____(date) between _____("Grantors), and the Joint County Drainage Authority for _____, acting as the Drainage Authority ("Grantee") for _____(Drainage System) under the laws of the State of Minnesota.

RECITALS

Grantors are the owner of property in the County of _____, State of Minnesota, legally described as:

_____ (the "Grantors Property").

_____(Drainage System), a duly established and existing Joint County Ditch does cross the _____(location) of above described property and thereby creates a land locked portion of the above described parcel. As part of the original establishment plans for _____(Drainage System), the system did provide _____ (number) feet of _____(size) _____(concrete or steel), when constructed to provide access to said land locked parcel. In light of the need for extensive repairs to restore the crossing to its original purpose and function, the Grantors acknowledge the above described crossing no longer serves any useful purpose and is of no benefit to them.

DECLARATION AND COVENANT

THIS DECLARATION is made in the County of _____, State of Minnesota, on this ____ day of _____, 20__, by _____, (the "Declarant").

WHEREAS, Declarant is the owner of certain real property located in _____ County, Minnesota, legally described in Exhibit A attached hereto together with all improvements thereon (collectively the "Property"); and

WHEREAS, Declarant has requested permission from the _____ Joint County Board of Commissioners, sitting as the joint county drainage authority for _____ (the "ditch"), in order to place a _____ culvert in the ditch to serve as a crossing point on the ditch; and

WHEREAS, the joint county drainage authority has granted the permission requested conditioned upon and in consideration of the execution and recording of this Declaration and Covenant; and

WHEREAS, the culvert shall not become part of the ditch; and

WHEREAS, Declarant desires to acknowledge that the culvert shall not be part of the ditch by subjecting the Property, and any additional real estate added thereto to this Declaration to ensure that ongoing operations and maintenance of the culvert remain the responsibility of the Declarant, its successors in interest or assigns, and the Property.

THEREFORE, the Declarant undertakes and acknowledges the following restrictions to be placed upon and to run with the property:

- (1) The Declarant, its heirs, successors or assigns are responsible for maintenance of the culvert and keeping the culvert free from obstruction;
- (2) Should the Declarant, its heirs, successors or assigns fail to maintain or keep the culvert free from obstruction, the joint county drainage authority may either remove the culvert and or repair or maintain the culvert, remove debris or obstruction from the culvert or perform other work necessary to ensure proper function of the ditch given the existence of the culvert;
- (3) The joint county drainage authority may, in its discretion, abandon the crossing

EXHIBIT A