

Inspections and Maintenance

According to the Drainage Code, the Drainage Inspector must inspect drainage systems on a regular basis. During these inspections, problems and violations are documented and a report is submitted to the Drainage Authority.

If maintenance issues need to be addressed by the landowner, the inspector will send a notice identifying what measures must be taken.



OVERTILL + OVERSPRAY = INCREASED MAINTENANCE COST TO LANDOWNERS

Overtill, overspray, and improperly functioning and installed side inlet structures are currently contributing to the maintenance and repair costs and additionally accelerating the sedimentation that is occurring in our ditches.

The impact of these harmful practices only add additional costs to the landowners of the system. All landowners being assessed into the system pay for the practices of everyone on the system.

Remember...

All landowners being assessed into a drainage system pay for all the maintenance and repairs of that system. As we improve our daily practices, we will reduce the costs to our systems.

Drainage Inspector and Engineer Duties

- Advise the Drainage Authority through MN Statutes 103E.
- Liason between landowners, contractors, engineers, viewers, Auditor, and Drainage Authority.
- Facilitate landowner meetings.
- Inspect drainage systems on a regular basis, a minimum of once every 5 years, including one rod buffer strip along open ditch.
- Prepare written inspection reports for Drainage Authority.
- Prepare assessment plan including priority stretches and cost analysis for repair.
- Landowner outreach and marketing of alternative and traditional conservation and drainage management practices.
- Identify potential ditch protection and water quality enhancement projects.
- Perform technical and engineering functions on assigned practices.

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MN Statutes 103E

Public Drainage Systems

Redetermination of Benefits

What do I need to know?

1. Public Drainage Systems, which includes all County Drainage Systems, in Minnesota are governed by **MN Statutes Chapter 103E** which is referred to as the **Drainage Code**.
2. Public Drainage Systems are owned by **landowners** and only managed and maintained by the county.
3. All expenses related to a public drainage system are paid only by the landowners benefiting from that system.
4. The Board of Commissioners act as the **Drainage Authority**.
5. A **County Drainage Staff** is hired to assist the Drainage Authority with management and maintenance issues.
6. Stevens County consists of 114 Public Drainage Systems and countless miles of privately owned tile.

These 29 Public Drainage Systems consist of over 109 miles of public open ditch and 67 miles of public tile installed to remove excess water from the landscape.

This brochure is intended to only be an overview and does not contain specifics in regard to the processes set forth by the Drainage Code.

Key Definitions

Drainage Authority— the entire Stevens County Board of Commissioners authorized to administer public drainage systems. The Drainage Authority is obligated to repair and maintain all systems, but cannot advocate for or against improvements, abandonments, or additions.

- Landowners must initiate improvements, abandonments, or additions to the drainage system.
- The Drainage Authority acts only as the “banker” & “referee.”



Redetermination of Benefits & Damages— A procedure to update the determination of benefits and damages for affected parcels and properties of a drainage system, and the total value of benefits for the drainage system.

Viewers— residents of Minnesota who are qualified to determine benefits and damages of drainage systems and are appointed by the drainage authority for that purpose.
www.mndrainageviewers.org



Systematic Redetermination of Benefits

- The Drainage Authority may redetermine benefits and damages whenever the original benefits and damages do not reflect reasonable present day values or the benefited or damaged areas have changed.
- Benefited lands and benefits of many drainage systems have not been updated for decades, some for over a century. Benefits determined many years ago are unrealistic in terms of current land values.
- For these reasons, the Stevens County Drainage Authority is undertaking a systematic redetermination of benefits for all public drainage systems. This process will take a number of years to complete county-wide.

Redetermination of Benefits—Why?

1. System benefits are determined at one point in time, with no provision to index for inflation over time. The cost of a repair cannot exceed the total value of benefits of the drainage system on record.
2. The drainage system repair fund limit is 20% of the total assessed benefits of the system, or \$100,000, whichever is greater.
3. There are lands draining into the system which are benefited by the system but are not assessed for benefits.
4. A petition for repair or improvement will trigger a redetermination to insure the construction and maintenance costs are distributed fairly among all acres within the drainage system.
5. As new private drainage outlets into a public drainage system, the total benefits of the system and the relative benefits to land parcels and other infrastructure change.

Redetermination of Benefits—What are the real benefits?

- All benefiting lands will carry their fair share of the burden they place upon the drainage system.
- After redetermination, all future expenditures are allocated to the properties using the drainage system in a fair and equitable manner, by assessment on the property tax statement.
- The required one rod (16.5 foot) buffer strip easement allows for less maintenance costs and year round access for maintenance issues.
- Benefits reflect current land values.

Redetermination of Benefits Procedure

1. A *Resolution* of the drainage authority.
2. A team of three *viewers* are appointed to perform the redetermination and report the benefits and damages to the landowners and Drainage Authority.
3. An *engineer* may be appointed to assist the viewers.
4. The *viewers' report* is filed with the Stevens County Auditors Office.
5. A *property owners' report* is prepared by the auditor from the viewers' report and a copy is mailed to each owner of property affected by the drainage system.
6. A *hearing* is held to review the report within 30 days after the property owners' report is mailed.
7. The property owners' report can be appealed up to 30 days after the Drainage Authority accepts it.

How do viewers determine the benefits and damages during the redetermination process?

1. Viewers verify and identify land parcels, roads, and other infrastructure served by a public drainage system.
2. Viewers then use mass appraisal methods to determine benefits of the drainage system. A number of variables; including land use, productivity, value, drainage outlet potential, and drainage system requirements or impacts are used by the viewers to determine drainage system benefits and damages.
3. The redetermined benefits replace those used by the county to apportion drainage system repair or maintenance assessments found on yearly tax statements.



Required Buffer Strips

- Drainage code requires the establishment of a 1 rod (16.5 ft.) buffer strip of perennial vegetation along drainage ditches whenever viewers are appointed.
- Land rights for the buffer strips are acquired through an easement by the drainage system.
- Harvesting of perennial vegetation remains a right of the landowner.
- The primary purposes of the buffer strip are to improve ditch bank stability and reduce ditch maintenance by setting back tillage from the top of the ditch, and to trap sediment and nutrients from wind erosion and runoff.
- Until the easement is acquired, eligible lands may be enrolled into existing buffer strip programs and payments may be obtained in addition to the ditch easement payment.
- USDA's Continuous Conservation Reserve Program (CCRP) is one example where landowners can collect annual payments for up to 15 years, as well as payment for the land rights acquired by the drainage system. Harvesting is not allowed and buffers must be at least 30 ft. wide.
- The Reinvest in MN (RIM) Riparian Buffer Easement Program is another example which creates buffers through purchase of a permanent easement. There is a minimum 3.0 acres per application and buffer widths must be a minimum of 50 ft. Easement payments are made in addition to CCRP.