

**ST. LOUIS COUNTY DRAINAGE AUTHORITY  
PROCEEDINGS**

Tuesday, July 28, 2020

The St. Louis County Drainage Authority meeting was called to order at 11:11 a.m., by Chair Keith Nelson in the Liz Prebich Room, Virginia, 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 McDonald, supported by Commissioner Jugovich, moved to approve the minutes of the June 23, 2020, St. Louis County Drainage Authority meeting. The motion passed; seven yeas, zero nays.

At 11:13 a.m., a public hearing was conducted pursuant to Resolution No. 20-01, adopted July 23, 2020, on the partial ditch abandonment petitions submitted by EIP Minnesota, LLC. Deric Deuschle, of Short Elliott Hendrickson Inc. (SEH), provided the Board an overview of the project. Public Works Director Jim Foldesi indicated that no written comments were submitted regarding the abandonments. Chair Nelson asked if there were any other governmental entities, supporters or opponents, or citizens who wished to speak regarding the proposed action, and no one asked for the opportunity to speak. At 11:53 a.m., Commissioner Jewell, supported by Commissioner Jugovich, moved to close the public hearing. The motion passed; seven yeas, zero nays.

Commissioner McDonald, supported by Commissioner Musolf, moved that the St. Louis County Drainage Authority conditionally approves EIP's petitions for partial abandonment as set forth in County Drainage Resolution No. 20-03. The motion passed; seven yeas, zero nays. Resolution No. 20-03

**COUNTY DRAINAGE AUTHORITY RESOLUTION NO. 20-03**

**BY COMMISSIONER MCDONALD:**

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 approve pending matters related to county ditches; and

WHEREAS, The Drainage Authority received two petitions, one for the partial abandonment of County Ditch1 and one for the partial abandonment of the Unidentified Ditch System from EIP Minnesota, LLC ("EIP"); and

WHEREAS, The Drainage Authority, by Resolution No. 20-01, set a hearing on EIP's petitions to occur on July 28, 2020, at 9:40 a.m., at the Virginia Government Services Center; and

WHEREAS, The county gave due notice of the hearing by publication in the Duluth News Tribune and on the county's website to all persons interested in the partial abandonments and by mail to EIP, affected landowners of property benefitted by the ditch systems, and affected political subdivisions; and

WHEREAS, On July 28, 2020, the Drainage Authority, pursuant to proper notice, held and closed the public hearing on the partial abandonment petitions.

THEREFORE, BE IT RESOLVED, That upon consideration of the engineering information submitted by Petitioner, review by the Drainage Authority's engineering consultant and written and oral evidence presented at the public hearing, the St. Louis County Board of Commissioners, acting as the Drainage Authority for County Ditch #1 and the Unidentified Ditch System, makes the following Findings of Fact and order as to the partial abandonment petitions:

#### **FINDINGS OF FACT**

That the ditch segments set forth below and in Board File No. 61307 do not serve a substantial useful purpose as part of the drainage system to any properties remaining in the system and are not of substantial public benefit and utility.

#### **ORDER**

IT IS THEREFORE ORDERED by the St. Louis County Board of Commissioners, acting as Drainage Authority for County Ditch #1 and the Unidentified Ditch System, that the ditch segments set forth below and in Board File No. 61307 are hereby abandoned:

Ditch System No.	Local ID	Miles	St. Louis County Transverse Mercator (ft)			
			Xstart	Ystart	Xend	Yend
UDS	M06	0.48	4742524.4	3503329.9	4745222.5	3503379.6

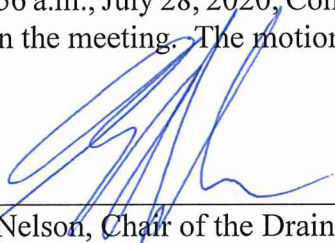
Ditch System No.	Local ID	Miles	St. Louis County Transverse Mercator (ft)			
			Xstart	Ystart	Xend	Yend
CD #1	L06	0.30	4720833.2	3520373.9	4719258.6	3520350.3
CD #1	M04	0.42	4721504.7	3519053.7	4719274.6	3519039.3
CD #1	L07	0.50	4722830.5	3517719.0	4720186.6	3517712.4
CD #1	L07.1	1.00	4725462.2	3516387.9	4720196.4	3516388.8
CD #1	L07.2	1.00	4725404.5	3515157.2	4720134.3	3515064.2
CD #1	M12	1.18	4725489.0	3513769.5	4719275.9	3513727.7
CD #1	M07	0.14	4719223.5	3497805.3	4719983.5	3497805.1
CD #1	L15	0.14	4719211.7	3496462.5	4719963.5	3496459.5

RESOLVED FURTHER, That the partial abandonment order issued herein shall be conditioned upon and shall not become effective until (1) Petitioner EIP's payment of any remainder of the Drainage Authority's engineering services costs; (2) Petitioner EIP agrees to remove any beaver dams or obstructions on Ditch M06 between the first designed ditch check and the TH #53 right of way in conjunction with EIP's work on Ditch M06; (3) Petitioner EIP agrees that the sod farm berm divide on the old Polymet property shall be built at a minimum elevation of 1329.6 ft., extended to the north to match grade, and shall be terminated to the south once the flow paths carry the runoff away from the affected properties along Highway 7 as described and indicated in the Engineer's Report; (4) Petitioner EIP agrees that the sod farm berm divide shall be designed to minimize visual intrusion more consistent with a wetland mitigation landform without compromising the integrity of the design, performance and longevity of the berm; (5) Petitioner EIP agrees that as part of the final design of the sod farm berm divide, special attention shall be given to potential berm failure and flow conveyance shall be provided to guide those overflows past the private properties along Highway 7 and to the south; and (6) Petitioner EIP agrees to develop and implement a monitoring plan in the M10 abandoned corridor and area between M10 and Highway 7 to ensure that the hydrological and hydraulic system is behaving within the expected parameters provided in the abandonment analysis as the wetland continues to recover and to validate the model estimates of flows as time passes;

RESOLVED FURTHER, That the Financial Assurances Agreement put in place during the first EIP abandonment petition process in 2015 is applicable to these additional segments being abandoned. A new indemnification agreement shall be executed by the parties related to the current partial abandonment within the UDS.

Unanimously adopted July 28, 2020.

At 11:56 a.m., July 28, 2020, Commissioner Boyle, supported by Commissioner Jugovich, moved to adjourn the meeting. 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