

**ST. LOUIS COUNTY DRAINAGE AUTHORITY
PROCEEDINGS**

Tuesday, March 20, 2018

The St. Louis County Drainage Authority meeting was called to order at 10:06 a.m., by Chair Keith Nelson at the Gilbert City Hall, Gilbert, Minnesota, with the following members present: Commissioners Frank Jewell, Patrick Boyle, Beth Olson, Tom Rukavina, Mike Jugovich, and Chair Keith Nelson - 6. Absent: Commissioner Pete Stauber - 1.

Commissioner Rukavina, supported by Commissioner Jugovich, moved to approve the minutes of the January 23, 2018, St. Louis County Drainage Authority meeting. The motion passed; six yeas, zero nays, one absent (Stauber).

Commissioner Jewell, supported by Commissioner Rukavina, moved to remove from table the conditional approval of the partial ditch abandonment petition submitted by EIP Minnesota, LLC, (17-02) tabled from January 23, 2018. The motion passed; six yeas, zero nays, one absent (Stauber).

Commissioner Rukavina, supported by Commissioner Jewell, moved to grant the partial ditch abandonment petition submitted by EIP Minnesota, LLC (17-02). Public Works Director Jim Foldesi highlighted updates made to the findings of fact as a result of conversations with EIP Minnesota, Polymet, and citizens. Chair Nelson asked if there were citizens who wished to speak regarding the abandonment, and no one came forth. The motion passed; six yeas, zero nays, one absent (Stauber). Resolution No. 18-01.

COUNTY DRAINAGE AUTHORITY RESOLUTION NO. 18-01

BY COMMISSIONER RUKAVINA:

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 a petition for the partial abandonment of County Ditches #1 and #6 from EIP Minnesota, LLC ("EIP"); and

WHEREAS, the Drainage Authority, by Resolution No. 17-01, set a hearing on EIP's petition to occur on October 3, 2017, at 9:55 a.m., at the Duluth Courthouse; 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 abandonment and by mail to EIP, affected landowners of property benefitted by the ditch systems, and affected political subdivisions; and

WHEREAS, On October 3, 2017, the Drainage Authority, pursuant to proper notice, held and closed the public hearing on the partial abandonment petition and tabled resolution 17-02 to its November 7, 2017 meeting; and

WHEREAS, On November 7, 2017, the Drainage Authority passed resolution number 17-03,

establishing the reopening of the public hearing to occur on January 23 2018, at 9:55 a.m., in the Virginia Courthouse and re-tabled resolution 17-02 to its January 23, 2018 meeting; and

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

WHEREAS, On January 23, 2018, the Drainage Authority, pursuant to proper notice, reopened the public hearing and received additional testimony and other evidence regarding the petition;

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 initial and reopened public hearing, the St. Louis County Board of Commissioners, acting as the Drainage Authority for County Ditch #1 and County Ditch #6, 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. 60691 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 County Ditch #6, that the ditch segments set forth below and in Board File No. 60691 are hereby abandoned:

Ditch System No.	Local ID	Miles	St. Louis County Transverse Mercator (ft)			
			Xstart	Ystart	Xend	Yend
CD #1	L13	1.11	4725083.4	3504506.5	4719229.0	3504478.6
CD #1	L14	0.76	4721364.8	3503186.5	4725356.0	3503142.4

Ditch System No.	Local ID	Miles	St. Louis County Transverse Mercator (ft)			
			Xstart	Ystart	Xend	Yend
CD #6	M15	3.05	4715008.3	3524482.9	4714785.9	3508349.9

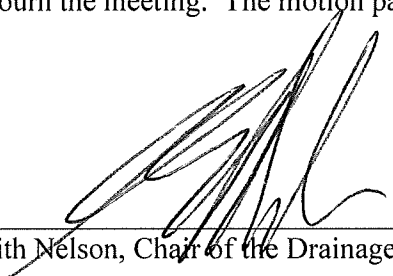
RESOLVED FURTHER, That the partial abandonment order issued herein shall be conditioned upon and shall not become effective until (1) Petitioner EIP's payment of any remainder of the Drainage Authority's engineering services costs; (2) Petitioner EIP agrees to remove any beaver dams or obstructions on Ditch M01 between the first designed ditch check and the north EIP

property line in conjunction with EIP's work on Ditches M01, M02 and M15; (3) Petitioner EIP agrees to place breaches, or low water crossings, in the ditch spoil berm that runs along the west side of Ditch M01 south of the north EIP property line. The design of the breaches will allow water to spread out from Ditch M01 onto EIP property in an area that is currently restricted and will lower water elevations in Ditch M01. The breaches will be designed to function as low water crossings that can still be used to access the area with the appropriate equipment for future ditch maintenance. EIP will confer and gain the concurrence of St. Louis County on the number, design and location of the breaches. The construction of the breaches will be accomplished in conjunction with EIP's work on Ditches M01, M02 and M15; and (4) Petitioner EIP agrees to enter into an agreement with Poly Met Mining, Inc. to maintain and/or construct and maintain appurtenances that will prevent M10 water, to the extent practical, from adversely impacting adjacent properties.


RESOLVED FURTHER, That the agreements that were put in place during the first EIP abandonment petition process in 2015, such as the indemnification agreement, the financial assurance agreement and the process for credit accrual, are applicable to these additional segments being abandoned.

Unanimously adopted March 20, 2018.

At 10:24 a.m., March 20, 2018, Commissioner Jewell, supported by Commissioner Boyle, moved to adjourn the meeting. The motion passed; six yeas, zero nays, one absent (Stauber).



Keith Nelson, Chair of the Drainage Authority



Phil Chapman, Deputy Auditor/Clerk of the County Board