

# **DRAINAGE SYSTEM REPAIR PROCESS**

## **Definition:**

Repairs consist of minor work such as spraying for weeds and brush, removal of isolated silt deposits, bridge or culvert cleaning, removal of vegetation, debris and other obstructions. Repairs also may involve more extensive cleaning of the ditch bottom of silt deposits to the grade line and bottom width as originally constructed or subsequently improved, and could include fixing in isolated side slope damage due to sloughing, fixing damage to culverts and structures, and removing large trees from the channel. These minor repairs do not increase the channel design capacity. Drainage Systems (Ditches) should be inspected and maintained annually.

## **Initiating a Repair:**

A repair is initiated by a *petition* of one or more landowners, or by the *drainage authority* in response to an inspection or report of a ditch inspector or a ditch inspection committee.

## **Hearing Requirement:**

No public hearings are necessary.

## **Costs and Construction:**

- 1) Costs are paid by assessment on the existing benefited area. Costs in any one year may not exceed \$50,000 or \$1,000 per mile of open ditch, whichever is greater.
- 2) Work may be done without advertising for bids or entering into a contract for the repair work.

## **Limitations:**

A repair will not increase the channel design capacity.

## **PETITIONED REPAIRS**

### **A Petition**

A repair must be initiated through a petition filed by an individual, individuals, or an entity affected by the drainage system when total anticipated repair costs exceed \$50,000 or \$1,000 per mile of ditch repaired, or the repair will incur damages or benefits to lands not included in the original ditch proceedings.

### **Appointment of Engineer**

If the drainage authority determines that the drainage system needs repair, an engineer is appointed.

## **Engineer's Report**

An engineer's repair report is ordered, detailing the required repair and estimated costs.

## **Public Hearing**

- 1) A public hearing is held on the petition and the engineer's report.
- 2) If additional right-of-way is required, then viewers are appointed.

## **Viewers**

- 1) Viewers assess and report benefits and damages. Cost for repair projects are assessed on existing benefiting areas, plus any additional benefiting areas.
- 2) A grass buffer strip is required along the alignment of the repaired ditch.

## **Costs and Construction (Minn. Stat. § 103E.705, subd. 5, 6, 7)**

- 1) Costs are paid by assessment on existing benefited areas, plus additional benefited areas as determined by viewers.
- 2) In one calendar year, the drainage authority may not levy assessments for repairs for more than 20 percent of the benefits of the drainage system, \$1000 per mile of ditch repaired, or \$50,000, whichever is greater.
- 3) If total costs exceed \$50,000, then the project must be advertised for competitive bids.

## **Limitations:**

- Repair is not intended to significantly increase the hydraulic efficiency or capacity of the ditch, or to extend and improve drainage benefits to new land.
- If the repaired channel is maintained on an annual basis, subsequent major repairs should not be required.