

1. Benton County Ditch Authority Meeting Agenda And Packet January 6, 2026

Documents:

[\*\*DITCH AUTHORITY PACKET JANUARY 6, 2026.PDF\*\*](#)

**BENTON COUNTY DITCH AUTHORITY**

January 6, 2026, 9:00 AM  
Benton County Board Room

**AGENDA**

1. County Board Chair
  - Call to Order
  - Roll Call
  - Select a Ditch Authority Chair for 2026
2. Chair of the Ditch Authority
  - Select a Ditch Authority Vice-Chair for 2026
  - Approve or Amend the Agenda
  - Schedule Regular Meetings of the Ditch Authority for 2026
3. Consent Agenda
  1. Approve or Amend the Ditch Authority Meeting Minutes of December 16, 2025
4. Adjourn

**Benton County Board of Commissioners/Benton County Ditch Authority**

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Ditch Authority Agenda (Continued)

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Pursuant to MN Statutes §13D.02 and County Policy, the following County Board members may participate from a remote location:

- Commissioner Scott Johnson, District 1
- Commissioner Ed Popp, District 2
- Commissioner Steve Heinen, District 3
- Commissioner Jared Gapinski, District 4
- Commissioner Pam Benoit, District 5

# BENTON COUNTY DITCH AUTHORITY

## AGENDA ITEM REQUEST



MEETING DATE January 6, 2026

REGULAR AGENDA

CONSENT AGENDA

REQUESTING DEPARTMENT County Administrator

### TITLE OF REQUESTED ITEM AS IT WILL APPEAR ON BOARD AGENDA

Select a Chair and Vice-Chair of the Ditch Authority for 2026

### BACKGROUND INFORMATION

The County Board Chair will ask for nominations for Chair of the Ditch Authority for 2026. Once a Chair is selected, the new Chair will then take the gavel.

### ACTION REQUESTED

Motion/second to select a Chair, followed by vote; new Ditch Authority assumes Chair for duration of meeting

### FISCAL IMPACT

ESTIMATED COST (\$)

SOURCE OF FUNDS

NEW / ADDITIONAL REVENUE (\$)

COST BUDGETED IN CURRENT YEAR?  YES  NO

### SUBMITTED/APPROVED

SUBMITTER/SUPERVISOR SIGNATURE

A handwritten signature in black ink that reads 'Montgomery I. Leedly'.

DATE \_\_\_\_\_

DATE 12-30-22

DATE \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE

COUNTY ATTORNEY SIGNATURE

STATE GRANT CONTRACT/AGREEMENT NOT REVIEWED BY COUNTY ATTORNEY (GRANT RENEWAL WITH NO CHANGES IN TERMS AND CONDITIONS).

DURATION 2 minutes

PREFERRED PLACEMENT ON AGENDA \_\_\_\_\_

# BENTON COUNTY DITCH AUTHORITY

## AGENDA ITEM REQUEST



MEETING DATE January 6, 2026

REGULAR AGENDA  CONSENT AGENDA

REQUESTING DEPARTMENT County Administrator

### TITLE OF REQUESTED ITEM AS IT WILL APPEAR ON BOARD AGENDA

Schedule regular meetings of the Ditch Authority for 2026

### BACKGROUND INFORMATION

At the first organizational meeting of the year, the Ditch Authority shall adopt its schedule of regular meetings for the year. Once adopted and kept on file, no further notice of meetings is required. If a change is required in the date and time of a regular meeting, it becomes a "special meeting" under the MN Open Meeting Law and a three-day posted notice is required. Also, special meeting agendas may not be amended on the day of the meeting, whereas regular meeting agendas may be amended day of.

### ACTION REQUESTED

A motion to adopt the Ditch Authority schedule of regular meetings for 2026 as presented

### FISCAL IMPACT

ESTIMATED COST (\$)

SOURCE OF FUNDS

NEW / ADDITIONAL REVENUE (\$)

COST BUDGETED IN CURRENT YEAR?  YES  NO

### SUBMITTED/APPROVED

SUBMITTER/SUPERVISOR SIGNATURE

DEPARTMENT HEAD SIGNATURE

COUNTY ATTORNEY SIGNATURE

DATE

DATE 12/24/25

DATE

STATE GRANT CONTRACT/AGREEMENT NOT REVIEWED BY COUNTY ATTORNEY (GRANT RENEWAL WITH NO CHANGES IN TERMS AND CONDITIONS).

DURATION 2 minutes

PREFERRED PLACEMENT ON AGENDA

*Benton County Mission:  
Quality Public Service*

**BENTON COUNTY DRAINAGE AUTHORITY**

**SCHEDULE OF REGULAR MEETINGS FOR 2026**

County Board Room - 531 Dewey Street, Foley, MN 56329

Date	Time	Location
January 6, 2026	9:00 AM	County Board Room, Foley
January 20, 2026	9:00 AM	County Board Room, Foley
February 3, 2026	9:00 AM	County Board Room, Foley
February 17, 2026	9:00 AM	County Board Room, Foley
March 3, 2026	9:00 AM	County Board Room, Foley
March 17, 2026	9:00 AM	County Board Room, Foley
April 7, 2026	9:00 AM	County Board Room, Foley
April 21, 2026	9:00 AM	County Board Room, Foley
May 5, 2026	9:00 AM	County Board Room, Foley
May 19, 2026	9:00 AM	County Board Room, Foley
June 2, 2026	9:00 AM	County Board Room, Foley
June 16, 2026	9:00 AM	County Board Room, Foley
July 7, 2026	9:00 AM	County Board Room, Foley
July 21, 2026	9:00 AM	County Board Room, Foley
August 4, 2026	9:00 AM	County Board Room, Foley
August 18, 2026 Annual Meeting to Consider Maintenance Assessments	9:00 AM	County Board Room, Foley
September 1, 2026	9:00 AM	County Board Room, Foley
September 15, 2026	9:00 AM	County Board Room, Foley
October 6, 2026	9:00 AM	County Board Room, Foley
October 20, 2026	9:00 AM	County Board Room, Foley
November 3, 2026	9:00 AM	County Board Room, Foley
November 17, 2026	9:00 AM	County Board Room, Foley
December 1, 2026	<b>6:00 PM*</b>	County Board Room, Foley
December 15, 2026	9:00 AM	County Board Room, Foley

\* December 1<sup>st</sup> meeting also serves as the Truth in Taxation Public Meeting and starts at 6:00 PM.

County Board:  
Scott Johnson, District 1  
Ed Popp, District 2  
Steve Heinen, District 3  
Jared Gapinski, District 4  
Pam Benoit, District 5

531 Dewey Street  
P.O. Box 129  
Foley, MN 56329  
Benton County's Website:  
[www.co.benton.mn.us](http://www.co.benton.mn.us)

(320) 968-5000 Main  
(320) 968-5329 Fax  
(320) 968-8842 TDD  
Email Address:  
[info@co.benton.mn.us](mailto:info@co.benton.mn.us)

BENTON COUNTY DITCH AUTHORITY  
TUESDAY, DECEMBER 16, 2025  
BENTON COUNTY BOARDROOM

The Benton County Ditch Authority met in regular session on December 16, 2025 in the County Boardroom in Foley, MN with County Board members Pam Benoit, Scott Johnson, Steve Heinen, Ed Popp and Jared Gapinski present. Also present was Chris Byrd, County Engineer; Montgomery Headley, County Administrator; Adam Ritsche, Environmental Technician – Ditch Inspector; Christine Scherbing, Auditor-Treasurer, Beth Stay, Executive Assistant; and Drainage Attorney John Kolb of Rinke Noonan Law Firm.

Chair Johnson called the meeting to order at 10:00 AM.

Motion by Gapinski and seconded by Heinen to approve the Ditch Authority Agenda as written. Motion carried unanimously.

Motion by Heinen and seconded by Benoit to approve Consent Agenda item 1: 1) approve the Ditch Authority Meeting Minutes of November 18, 2025 and authorize the Chair to sign. Motion carried unanimously.

Next, Chair Johnson requested to conduct a public hearing regarding the Petition for Removal from County Ditch (CD) 12. The purpose of the hearing is to receive comments and testimony from all parties interested in the Petition of Ernie Olson and Vince Janssen to remove benefited property from the CD 12 drainage system. The order of business for this hearing will be as follows. First, Benton County's Drainage Attorney John Kolb of Rinke Noonan Law Firm will explain the process which has brought us to this public hearing and the purpose of this hearing. Following Kolb, the County staff will review the notices given for the hearing and will present a brief review of the petition and conditions upon which the petition is being considered. During the staff presentation, the petitioners may be invited to address issues relevant to their petition. Finally, public comment will be heard regarding the Petition for Removal from CD 12. Today's proceedings are being conducted under Minnesota Statues, section 103E.805. That statute directs the County Board to consider granting the petition if:

- 1) Waters from the petitioners' property have been diverted from the drainage system, or the property cannot significantly or regularly use the drainage system;
- 2) The property is not benefited by the drainage system; and
- 3) Removing the property from the drainage system will not prejudice the property owners and property remaining in the system.

Next, Kolb reviewed the property the Petitioners wish to remove from CD 12 is PID 08-00376-00, a 23.33 acre parcel in the SE ¼ NW ¼ of Section 29, Township 37 (Maywood Township), Range 28, with benefitted acres totaling 0.05 acres (.01 acres of Class 4 benefits; 0.04 acres woodlot benefits; total benefits \$4.71 (\$1.93 CL 4, \$2.78 WL); 00104% of total benefits. Kolb explained that while the property remains within the watershed, the key legal question is whether it significantly or regularly uses the drainage system, which is a discretionary decision for the Drainage Authority Board. Kolb noted the burden is on the petitioners to prove lack of benefit, but also shared that viewers and staff indicated such a small assessment would likely not be included today and creates more administrative cost than revenue. The parcel is considered unique, unlikely to set a precedent, and the Drainage Authority Board may decide today after hearing all testimony, with draft findings available to support either outcome.

Next, Environmental Technician – Ditch Inspector Adam Ritsche reported on the petition from Olson and Jensen to remove a small portion of their property from CD 12, emphasizing he was not advocating for either outcome. Proper notice of the public hearing was given to all benefiting landowners and posted publicly. The parcel in question is a very small corner of the property, and while staff and H2Overviewers communicated with the landowner and offered a site visit, no visit by Ritsche occurred due to snow and ice conditions. Based on mapping and contours, reviewers still believe a very small portion of the property drains toward and benefits the system, though the benefit is minimal, and Ritsche had no further findings to add.

The Public Hearing on the Removal of Property from CD 12 opened at 10:12 AM. Property owner Ernie Olson testified that the area in question is a very small section—about 46 by 46 feet—and that he has independently installed and maintained multiple ditches and a culvert on his property over the past 13 years to fully drain the area. Olson stated that all water is diverted away from the county ditch system and that the affected land is lower than neighboring property, providing no drainage benefit from CD 12. Based on these improvements and elevation differences, Olson believes the parcel does not use or benefit from the drainage system.

The Public Hearing closed at 10:14 AM.

Kolb stated that when the Board deliberates a decision in the proceedings, it may be helpful to ask and answer the following questions:

- 1) Does the evidence support a finding that the waters from Petitioners' property have been entirely or partially diverted from the CD 12 drainage system, or that the property cannot significantly or regularly use the CD 12 drainage system as an outlet for benefited drainage?
- 2) Does the evidence support a finding that Petitioners' property is not benefited by CD 12?
- 3) Does the evidence support finding that removal of Petitioners' property from the benefits roll for CD 12 will not prejudice the owners of property remaining in the system?

Kolb advised that if the Drainage Authority Board can answer yes to the above questions the petition should be granted. If the Board cannot answer yes to the questions, the petition must be denied. Also, the Drainage Authority Board may further exercise its discretion in determining whether to remove the property from the system. Given the minute scale of benefits, the Drainage Authority Board may base its decision on whether the property significantly or regularly uses CD 12 as an outlet for beneficial drainage; whether the property can be considered benefitted; or whether removal will prejudice the owners of remaining properties. The Drainage Authority Board reached consensus that the property does not significantly or regularly use CD 12, is not benefited by the system, and that its removal would not prejudice other landowners. The board agreed to adopt findings and an order removing the property from the CD 12 benefit roll for all future costs, while leaving prior assessments and liens intact and restricting any future drainage to CD 12 without a new petition. Also, staff will be directed to update the benefit records, and the petitioners will be required to pay the costs of the removal proceedings. Motion by Gapinski and seconded by Heinen to approve the Petition, and approve the draft Findings and Order Granting the Petition removing the property from the CD 12 benefit roll for all future costs, while leaving prior assessments and liens intact and restricting any future draining to CD 12 without a new petition, to direct staff to update the benefit records, and require the petitioners to pay the costs of the removal proceedings. Motion carried unanimously.

Next, the Drainage Authority continued its discussion with Maywood Township regarding payment for CD 9 and CD 14 culvert repair costs, which exceeded initial estimates and totaled about \$131,000, with roughly \$38,000 already paid as assessments. Approximately \$93,070 remain of the culvert repair costs. Jim Martinson of 18802 65<sup>th</sup> St NE, and Supervisor of Maywood Township, requested a payment plan, and the board considered a proposal allowing the remaining balance to be paid in two installments—half by December 31, 2026, and the remainder by December 31, 2027. Discussion was had regarding fairness, taxpayer impact, precedent, interest rate, and future review if financial issues arise. Motion by Gapinski and seconded by Benoit to approve the payment plan for CD 9 and CD 14 for culvert repair costs, with the first half of the payment due by December 31, 2026, and the second half of the payment due by December 31, 2027, at 0% interest rate. Motion carried unanimously.

Next, Ritsche reported on a recent drone inspection of CD 9 and CD 14, noting tall grass and some woody vegetation along buffer strips and recommending proactive mowing to prevent more costly maintenance later. Ritsche explained that requests for quotes (RFQ's) were prepared solely for buffer strip mowing, with flexibility on timing (likely spring or early summer) and clear mapping to avoid wetlands and areas already maintained by landowners. The board discussed staying ahead of future ditch deterioration, transparency and notification to landowners, and potential future work on bank sloughing under separate contracts. Motion by Johnson and seconded by Benoit to approve advertising for the request for quotes for mowing the buffer strips on CD 9 and CD 14 on the County website as soon as possible. Motion carried unanimously.

The Ditch Authority Meeting adjourned 10:43 AM.

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Scott Johnson, Chair  
Benton County Ditch Authority

ATTEST:

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Montgomery Headley  
Benton County Administrator