

1. Ditch Authority Meeting Agenda June 1, 2021

Documents:

[DITCH AUTHORITY AGENDA\\_JUNE 1, 2021.PDF](#)

1.1. Ditch Authority Meeting Agenda And Packet June 1, 2021

Documents:

[DITCH AUTHORITY PACKET\\_JUNE 1, 2021.PDF](#)



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**BENTON COUNTY DITCH AUTHORITY**

Tuesday, June 1, 2021, Approximately 10:00 AM

Benton County Board Room

AGENDA

1. Call to Order by Chair Ed Popp
2. Approve or Amend the Agenda
3. Approve or Amend Minutes of Tuesday, May 4, 2021
4. Conduct Public Hearing on County Ditch No. 3 Regarding a Redetermination of Benefits
5. Update on County Ditch 10 (for Informational Purposes Only)
6. Adjourn

**Virtual Meeting Information:**

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

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/834170141>

**You can also dial in using your phone.**

United States: [+1 \(571\) 317-3122](tel:+15713173122)

**Access Code:** 834-170-141

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Ditch Authority:  
Scott Johnson, District 1  
Ed Popp, District 2  
Steve Heinen, District 3  
Jared J. Gapinski, District 4  
Beth Schlangen, 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)

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BENTON COUNTY DITCH AUTHORITY  
TUESDAY, MAY 4, 2021  
BENTON COUNTY BOARD ROOM

The Benton County Ditch Authority met in special session on May 4, 2021 in the Benton County Board Room in Foley, MN with Board members Beth Schlangen, Scott Johnson, Jared Gapinski, and Steve Heinen present. Commissioner Ed Popp was unable to attend due to a family commitment. Also present was Chris Byrd, County Engineer; Montgomery Headley, County Administrator; Michelle Meyer, Assistant County Attorney; and Beth Stay, Administrative Assistant.

Vice Chair Heinen called the meeting to order at 9:21 AM.

Gapinski/Johnson to approve the agenda as written. Motion carried unanimously.

Gapinski/Johnson to approve the meeting minutes of February 2, 2021 as written. Motion carried unanimously.

County Engineer Chris Byrd gave an informational presentation on the County Ditch 6 (CD 6) repair report. Last year, the Drainage Authority held a public hearing and accepted the corrected drainage records. This process established what the elevation of the ditch bottom and other dimensions of the ditch should be. Byrd stated that CD 6 needs repair. There are additional lands that are draining into the ditch system than was originally assessed when the ditch was established. The Drainage Authority has already ordered the redetermination of benefits for this ditch from Houston Engineering. Byrd would like to wait until the conclusion of the redetermination project before ordering the repair of the ditch. Then, that would provide us with an opportunity to identify all property owners that should help contribute to the cost of repairing this ditch. Byrd estimated the cost for this project would be roughly \$500,000 which would be assessed back onto the benefitted landowners and anticipates a contingency of 20% to be allotted for unforeseen construction, legal and engineering costs. Johnson asked "if their office keeps record of if the public would call in and request a petition or sign a petition for repair, and if so, does your office follow up with them to let them know where the office is on the petition for repair?" Byrd said their office does keep track of those that make requests and they follow up with them. Johnson then asked about preliminary construction costs where Johnson noticed there is a \$20,000 mobilization cost. Byrd stated that we would have an obligation to re-establish the turf and perennial grasses and those are separate bid items as well. Byrd would go through a sealed bid process where they would advertise and award the lowest responsible bidder for the contract. Gapinski asked Byrd how many acres would be included in the Ditch Repair and Byrd said it would be about 1,800 acres. Gapinski figured it would be about \$280.00 per acre. Byrd said in the past the Drainage Authority would approve a multi-year assessment at about 1% interest that spread out over 7 years.

Next, Byrd gave the County Ditch 3 (CD 3) repair report. Last year, the Drainage Authority ordered that a repair report be completed after receiving a valid repair petition. Houston Engineering was contracted to complete this report. Included in the report is background information regarding the ditch and a preliminary construction plan. Byrd anticipates an approximate cost for this project would be \$182,000. Byrd stated that it's important to note that the repair report does indicate that there are additional lands draining into CD 3 than what was originally assessed. Heinen asked Byrd if he spoke with MNDOT about their culverts on CD 3. Byrd said that he has not notified them recently, but when he talked to MNDOT in the past, they felt confident in their culvert design and feel they will withstand the increased water flow that will result from cleaning ditches. Byrd said he will notify MNDOT again. Heinen then asked Byrd if he would talk to the City of Sauk Rapids because "when it opens, it's still going to go down Potter Creek..." Heinen is concerned because Sauk Rapids has had issues in that industrial park before and Heinen would like to know that they are "fully aware" of what's happening. Heinen said that he will

be stopping by to speak to the City of Sauk Rapids to address this matter with them. Byrd said he will be talking to the City of Sauk Rapids as well. Gapinski asked Byrd about an area that is not in the assessment area and said that if he was that property owner, he'd be a little upset because he's not being assessed, but that's where all the water is "being dumped". Byrd said the viewers will determine if the individual parcels will be receiving the benefits and how much they will receive. Byrd asked to set a public hearing to accept the repair report but "stay" the proceedings and order a redetermination of benefits before ordering a repair. Assistant County Attorney, Michelle Meyer added that by statute, we need to set a public hearing on the repair report to be held within 30 days of today's meeting. At that hearing, we would order a redetermination due to omitted properties from the drainage area. Meyer would like to get a public hearing set for the repair report and that would include those omitted properties. Meyer stated you have to notify all property owners 10 days prior to the public hearing. Motion by Gapinski to schedule a public hearing on June 1, 2021 at 9:30 AM to accept the report and to "stay" the proceedings for the study and repair reports. In addition, it was stated there will be an online option offered to the public to attend the public hearing meeting if they are unable to attend in-person. Motion seconded by Johnson. Motion carried unanimously.

Vice Chair Heinen adjourned the meeting at 9:51 AM.

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Edward D. Popp, Chair  
Benton County Ditch Authority

ATTEST:

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Montgomery Headley  
Benton County Administrator



**BENTON COUNTY DITCH AUTHORITY  
AGENDA ITEM REQUEST**

Meeting Date:	6/01/21	Regular Agenda:	X
Requesting Department:	Public Works	Consent Agenda:	

**Title of Requested Item As It Will Appear on Board Agenda:**

Public Hearing on County Ditch No. 3 regarding a Redetermination of Benefits.

**Background Information:**

On February 10, 2020 the Drainage Authority received a Petition to Repair CD #3. At the Feb 18, 2020 Ditch Authority meeting, the Board determined that this was a valid petition and therefore ordered a repair report to be completed. The repair report was completed and presented to the Board at their May 4, 2021 meeting. The repair report indicates two items of significant note; First the estimated costs to repair the ditch exceed the benefit amount in the last Viewer's Report. Second, there may be additional properties draining into County Ditch 3 that are not being assessed benefits. These two facts may be reasons to Order a Redetermination of Benefits. At the public hearing we will hear a short presentation from H2Overviewers about the methodology of assessing benefits provided by a ditch system. After closing the public hearing, the Board will need to consider the Findings and Order and then make a vote on how to proceed with County Ditch 3.

**Action Requested:**

Conduct a Public Hearing regarding a Redetermination of Benefits for County Ditch No. 3

**Fiscal Impact:**

Estimated Cost (\$):	~\$16,000
Source of Funds:	Assessments on benefitted landowners
New or Additional Revenue (\$):	N/A
Cost Budgeted in Current Year? (Yes/No)	N/A

Approved by:	Signature	Date
Chris Byrd		5-25-2021
County Attorney (for contracts)		

Amt of Time Requested	Specific Time on Agenda	Laptop Needed?	Overhead Needed?
10	No	No	Yes



**BENTON COUNTY DITCH AUTHORITY  
AGENDA ITEM REQUEST**

Meeting Date:	6/01/2021	Regular Agenda:	X
Requesting Department:	Public Works	Consent Agenda:	

**Title of Requested Item As It Will Appear on Board Agenda:**

Update on County Ditch 10

**Background Information:**

County Ditch 10 is one of the ditch systems that the Drainage Authority ordered to have a Redetermination of Benefits completed. You may know that County Ditch 10 is also known as Mayhew Creek. In the middle of the watershed of Mayhew Creek is Mayhew Lake. The entire watershed of County Ditch 10 is about 21,000 acres. A Lake Attenuation Study needs to be completed to determine the impact that lake has on the benefits to landowners upstream of the lake. This Study is an additional work task that was not considered the original contract with H2Oviewers and therefore an additional cost. The approximate cost to do this study is about \$2,500 and will be assessed back to the benefitted landowners.

**Action Requested:**

Information

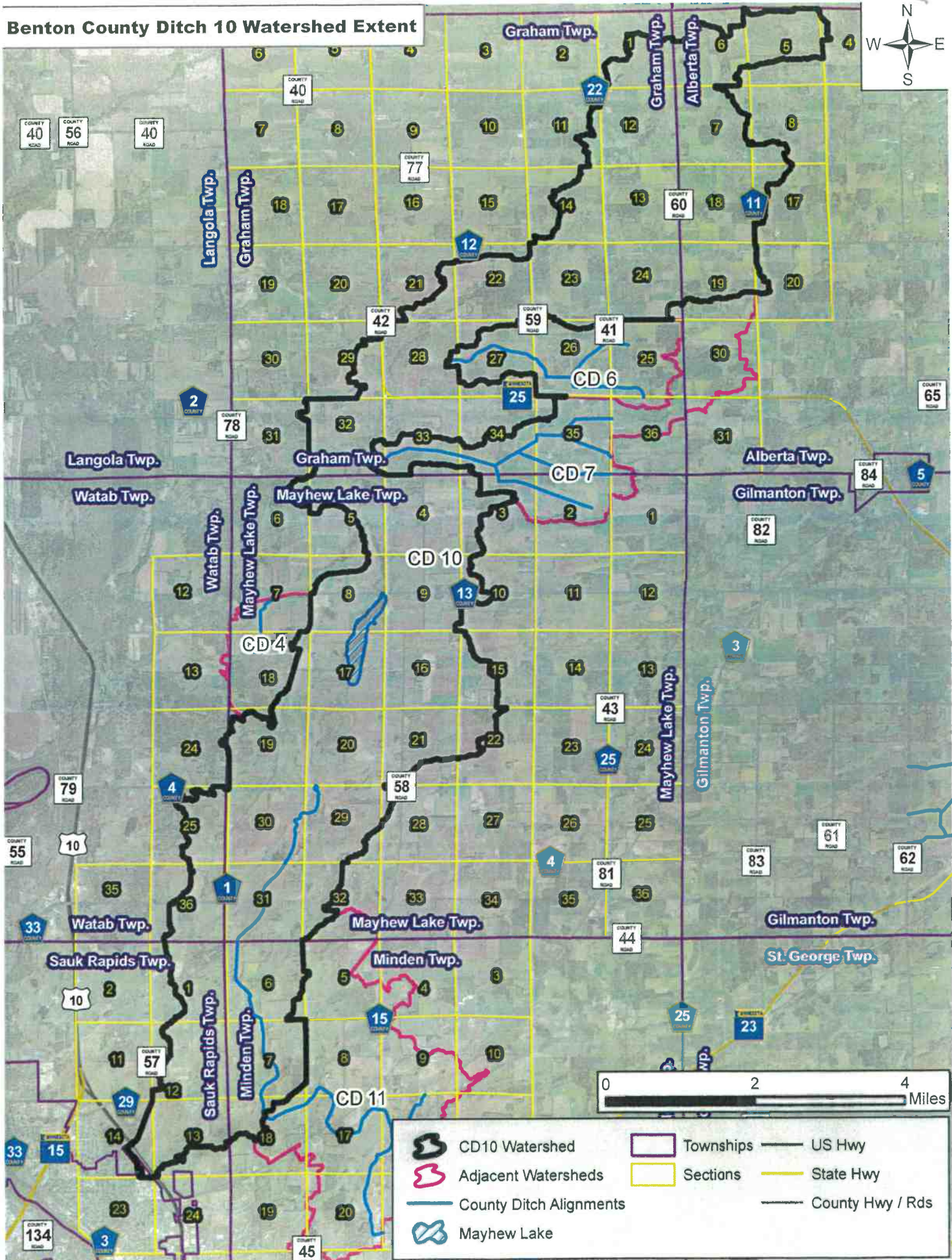
**Fiscal Impact:**

Estimated Cost (\$):	~\$2,500
Source of Funds:	Assessments on benefitted landowners
New or Additional Revenue (\$):	N/A
Cost Budgeted in Current Year? (Yes/No)	N/A

Approved by:	Signature	Date
Chris Byrd		5-12-2021
County Attorney (for contracts)		

Amt of Time Requested	Specific Time on Agenda	Laptop Needed?	Overhead Needed?
10	No	No	Yes

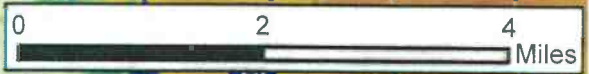
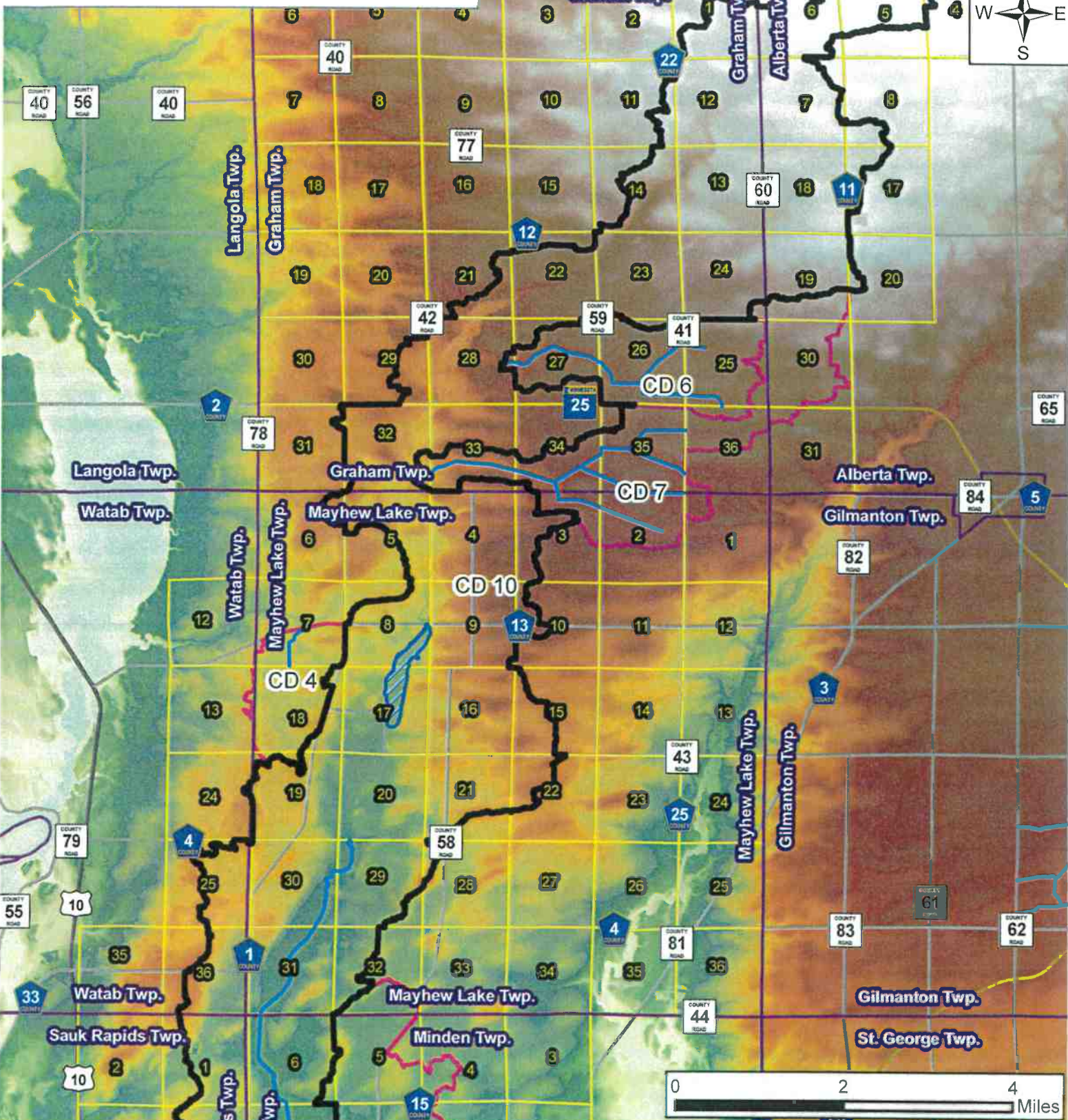
# Benton County Ditch 10 Watershed Extent



	CD10 Watershed		Townships		US Hwy
	Adjacent Watersheds		Sections		State Hwy
	County Ditch Alignments				County Hwy / Rds
	Mayhew Lake				



# Benton County Ditch 10 Watershed Extent



CD10 Watershed	Townships	US Hwy
Adjacent Watersheds	Sections	State Hwy
County Ditch Alignments		County Hwy / Rds
Mayhew Lake		
<b>Elevation</b>		
- Higher		
- Lower		