

1. Ditch Authority Agenda

Documents:

[DITCH AUTHORITY AGENDA_OCTOBER 6, 2020.PDF](#)

2. Ditch Authority Packet

Documents:

[DITCH AUTHORITY PACKET_OCTOBER 6, 2020.PDF](#)



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BENTON COUNTY DITCH AUTHORITY

Tuesday, October 6, 2020, Approximately 10:45 AM
Benton County Board Room

AGENDA

1. Call to Order by Chair Buerkle
2. Approve or Amend the Agenda
3. Approve or Amend Minutes of September 1, 2020
4. Potential Redetermination of Benefits on All County Ditches
5. Adjourn

Meetings by Telephone

Effective immediately, the Benton County Board of Commissioners/Benton County Ditch Authority may conduct its regular, special or emergency meetings by telephone or other electronic means, as permitted by MN Statutes §13D.021. Some or all Board members may participate by telephone or other electronic means until further notice. At least one member of the County Board, or the County Attorney, or the County Administrator will be present during meetings at the County Board's regular meeting location, which is the County Board Room in Foley, unless otherwise noted on meeting notices. Pursuant to MN Statutes §13D.021, Subdivision 3, the County will provide the means for persons to electronically monitor such meetings remotely.

Benton County Board of Commissioners/Benton County Ditch Authority

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

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Ditch Authority:
Warren Peschl, District 1
Ed Popp, District 2
Steve Heinen, District 3
Spencer Buerkle, District 4
Jake Bauerly, District 5

531 Dewey Street
P.O. Box 129
Foley, MN 56329
Benton County's Website:
www.co.benton.mn.us

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

Benton County is an Equal Opportunity Employer



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BENTON COUNTY DITCH AUTHORITY
Tuesday, September 1, 2020
Benton County Board Room

The Benton County Ditch Authority met in special session on September 1, 2020 in the Benton County Board Room in Foley, MN with Board members Spencer Buerkle, Steve Heinen, Jake Bauerly, Ed Popp and Warren Peschl present. Also present was Chris Byrd, County Engineer; Monty Headley, County Administrator; and Vicki Feuling, Administrative Assistant

Call to order by Chair Buerkle was at 10:47 AM.

Popp/Heinen unanimous to approve the agenda as written.

Bauerly/Heinen unanimous to approve the minutes of August 18, 2020 as written.

Chris Byrd, County Engineer, reported that he has received a petition to repair County Ditch 9; this ditch is located directly south of County Ditch 14. He stated that the County Attorney's Office has deemed that this repair petition is a valid petition, submitted by landowners who do have an interest in the ditch. Byrd explained that the next order of business would be to review the Findings and Order to Appoint the Engineer to Examine Benton County Ditch No. 9 and Make a Repair Report.

Byrd read the proposed Findings and Order as follows:

Findings:

1. A petition by Mark Eilers and Irene Eilers dated August 19, 2020 was received by the Auditor of the Benton County Board of Commissioners requesting to repair Benton County Ditch No. 9 pursuant to Minn. Stat. §103E.715.
2. Michelle Meyer, Assistant Benton County Attorney, reviewed the petition by Mark Eilers and Irene Eilers filed with the county and determined that the petition met the requirement of the proceedings for repair.
3. Chris Byrd, Public Works Director, reviewed the Eilers' petition and found that their property was within the original area assessed benefits for the Benton County Ditch No. 9.
4. The drainage authority finds that it has jurisdiction over these proceedings and pursuant to Minn. Stat. §103E.715, subd. 2, desires to appoint an engineer to make a repair report.

Order:

- A. The petition for repair of Benton County Ditch No. 9 is accepted.
- B. That Chris Byrd, Public Works Director, is hereby appointed as the engineer for these proceedings and shall make a repair report pursuant to Minn. Stat. ch. 103E.715, subd. 2.
- C. Prior to commencing any work, the engineer must subscribe to an oath to faithfully perform the assigned duties in the best manner possible with the auditor within ten days after being appointed.
- D. The engineer may appoint assistant engineers and hire help necessary to complete the engineer's duties. The engineer shall be responsible for the assistant engineers and may remove them.
- E. The engineer shall make an expense report every two weeks after the beginning of the engineer's work until the construction of the contract is awarded. The report must show costs incurred by the engineer and expenses incurred under the engineer's direction relating to the proceeding, and include the names of the engineer, engineer assistants, and employees and the time each was employed, and every item of expense incurred by the engineer.

Byrd stated "...this will require field work...we'll have individuals out on the ground with surveying instruments...this ditch outlets into the St. Francis River...just north of Ditch 13...by accepting this, you are ordering me to start working on the repair report...when that's finished, we'll bring that back...after you accept the report, then you can order the repair...certainly before we order the repair on Ditch 14..."

Heinen inquired of any cost savings to work on both ditch projects concurrently. Byrd stated "...we would tie the two projects together...a lot of times that attracts more contractors...because it's a bigger project...we can work on the repair reports on both of these ditches at the same...we will have to accept the reports as separate actions...and order the repairs as separate actions..."

Bauerly/Peschl to adopt the Findings and Order to Appoint the Engineer to Examine Benton County Ditch No. 9 and Make a Repair Report, and authorize the Chair to sign. A roll call vote showed Bauerly, Peschl, Heinen, Buerkle and Popp voting aye. Motion carried unanimously.

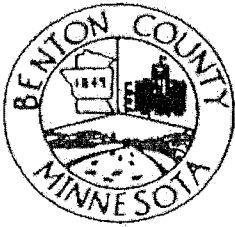
Buerkle requested that the County Engineer provide a "cheat sheet" of the ditch repair process starting with the receipt of a repair petition or upon initiation by the county. Peschl asked for a listing of ditch repairs that have been completed, including the year completed.

Peschl/Heinen unanimous to adjourn at 10:55 AM.

Spencer C. Buerkle, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator



**BENTON COUNTY DITCH AUTHORITY
AGENDA ITEM REQUEST**

Meeting Date:	10/6/20	Regular Agenda:	X
Requesting Department:	Public Works	Consent Agenda:	

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

Potential Redetermination of Benefits on all County Ditches

Background Information:

The Ditch Authority has recently ordered the redetermination of Benefits for County Ditch 6 and County Ditch 14. When considering the remaining ditch systems there is the potential need to have redeterminations completed to bring the benefits up to present-day land values. Furthermore, the remaining ditch systems have additional lands draining to them than what was originally assessed based on the viewers reports. There is a possible 33,000 additional acres receiving benefits from county ditches that are not on assessment rolls.

The work associated with redetermining benefits has a cost and those costs are assessed back to the benefitted landowners. The viewers that were appointed are charging a rate of \$4.50 per benefitted acre. The viewers will offer a rate of \$4.00 per acre if we move forward with a redetermination on the remaining ditch systems. This will result in significant savings to landowners on each individual ditch system.

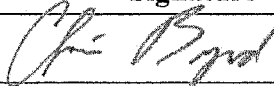
According to the Attorney's office we need to have a public hearing.

Action Requested:

Set a time and place to hold a public hearing for consideration of a Redetermination of Benefits.

Fiscal Impact:

Estimated Cost (\$):	\$132,000
Source of Funds:	Several County Ditch Funds
New or Additional Revenue (\$):	N/A
Cost Budgeted in Current Year? (Yes/No)	N/A

Approved by:	Signature	Date
Chris Byrd		9-29-2020
County Attorney (for contracts)		

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

STATE OF MINNESOTA
Before the
BENTON COUNTY DRAINAGE AUTHORITY
SITTING AS THE DRAINAGE AUTHORITY FOR
BENTON COUNTY DITCH NOS. 3, 4, 5, 6, 7, 9, 10, 11,12, 14

In the Matter of:

the Redetermination of Benefits and
Damages of BENTON COUNTY DITCH
NOS. 3, 4, 5, 7, 9, 10, 11,12

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE, the Board of Commissioners of the Benton County sitting as the drainage authority for Benton County Ditch No. 6, pursuant to Minn. Stat. § 103E.101, subd. 4a, shall hold a public hearing to determine whether or not to order the redetermination of benefits and damages pursuant **Minn. Stat. § 103E.351, subd. 1(a)**. The hearing shall be held at _____ on _____, **2020** at the Benton County Boardroom at the Benton County Government Center, at 531 Dewey Street, Foley, MN 56329. All interested parties may appear and be heard.

Copies of the reestablished and corrected records for Benton County Ditch No. 6 are available for inspection at Benton County Public Works office at 7752 Highway 25 NE, Foley, MN 56329.

Spencer C. Buerkle, Board Chair

Dated: _____,

	Original Viewers Report (acres)	Est. Drainage Area (acres)	Potential additional Benefitted (acres)
Ditch 3	328	790	462
Ditch 4	200	895	695
Ditch 5	593	1740	1147
Ditch 6	439	1700	1261
Ditch 7	3196	3250	54
Ditch 9	572.5	2565	1992.5
Ditch 10	744	22300	21556
Ditch 11	472	3680	3208
Ditch 12	368	1230	862
Ditch 14	1491	3350	1859
Total=	8403.5	41500	33,096.5