

1. Ditch Authority Agenda

Documents:

[DITCH AUTHORITY AGENDA_OCTOBER 20, 2020.PDF](#)

1.1. Ditch Authority Packet

Documents:

[DITCH AUTHORITY PACKET_OCTOBER 20, 2020.PDF](#)



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BENTON COUNTY DITCH AUTHORITY

Tuesday, October 20, 2020, Approximately 11:20 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 October 6, 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

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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
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info@co.benton.mn.us



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BENTON COUNTY DITCH AUTHORITY

Tuesday, October 6, 2020

Benton County Board Room

The Benton County Ditch Authority met in special session on October 6, 2020 in the Benton County Board Room in Foley, MN with Board members Steve Heinen, Jake Bauerly, Ed Popp, Warren Peschl and Spencer Buerkle 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 12:23 PM.

Peschl/Bauerly unanimous to approve the agenda as written.

Popp/Heinen unanimous to approve the minutes of September 1, 2020 as written.

Chris Byrd, County Engineer, explained that the Ditch Authority 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. Byrd noted that the remaining ditch systems have additional lands draining to them than what was originally assessed based on the viewer reports; there is a possible 33,000 additional acres receiving benefits from county ditches that are not on assessment rolls.

Byrd stated that the work associated with redetermining benefits has a cost and those costs are assessed back to the benefitted landowners. He noted that the viewers that were appointed are charging a rate of \$4.50 per benefited acre; the viewers will offer a rate of \$4.00 per acre if the county were to move forward with a redetermination on the remaining ditch systems. Byrd stated this would result in significant savings to landowners on each individual ditch system; according to the County Attorney's Office, a public hearing would be required. He noted that, according to the viewers, they could, potentially, complete the redetermination in a 12-month timeline; and if that's "too fast for Benton County", they could complete the work over a 24-month period (each ditch system would require a public hearing and meetings with the landowners).

Buerkle commented "...most of the time before we do anything with these ditches, we have a request from somebody on that ditch system..." Byrd stated "...that's how it's been...there's been recent case law that says ditch authorities have the responsibility...and shall maintain them even before a petition is received..." Bauerly stated "...I would think we should counter-offer at \$3.75 per acre and do it over two years..." Popp added "...it will speed up the process when we do have someone come in with a petition..." Byrd added "...I think there is a benefit in getting this done...we can just go ahead and start cleaning things without waiting for someone to say there is a problem..." Bauerly/Heinen unanimous that the County Engineer counter-offer at \$3.75 per acre over a 24-month period for redetermination of benefits on all county ditches.

Peschl/Popp unanimous to adjourn at 12:28 PM.

Spencer C. Buerkle, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator



**BENTON COUNTY DITCH AUTHORITY
AGENDA ITEM REQUEST**

Meeting Date:	10/20/20	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:

At the October 6, 2020 meeting, the possibility of ordering a redetermination on the remainder of the county ditches was discussed. This may offer some cost savings to the benefitted landowners on each ditch system. While there was some interest in moving forward with this, I was asked to go back to the Viewers and see if they could reduce their unit price any more to offer additional savings.

The president of H2Oviewers, Bryan Murphy and I have discussed this over the phone. He is unable to offer any additional cost reductions. He says that at \$4.00 per acre that is as low as they can go. They have a certain amount of fixed costs that they cannot reduce. They have provided me with the attached information, listing all of the services they provide.

Does the Board wish to move forward with a redetermination on the remainder of the ditches?

Action Requested:

Discussion. If determined appropriate, set a time a place to have an initial hearing for 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		10-13-2020
County Attorney (for contracts)		

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



PO Box 624
East Grand Forks, MN 56721
(218) 201-0066

October 13, 2020

Benton County Drainage Authority
PO Box 247
Foley, MN 56329

Dear County Drainage Authority,

I am submitting this offer letter on behalf of the H2Over Viewers team of viewers to complete the redetermination of benefits for Benton County, MN. The entire H2Over Viewers organization would like to thank you for considering us for these projects.

CD 3, 4, 5, 6, 7, 9, 10, 11, 12 and CD 14

We would like to offer our services for the redetermination of benefits on county ditch systems 3, 4, 5, 6, 7, 9, 10, 11, 12, and 14 in Benton County.

For these systems we are prepared to offer Benton County the following terms for our Standard Redetermination Package:

- \$4.00/watershed acre
 - This is a fully loaded fee that includes the mileage and per diem for our viewers and the cost of the Standard Redetermination Package.
 - 90% of the estimated project cost is prorated over the 12 months (the estimated time it will take to complete) with the remaining 10% due when the final report is turned in.
- With the understanding that the combined systems will hold a single virtual landowners meeting (with individual time afterwards) and a single virtual final hearing we are able to offer no charge for these meetings
- H2Over Viewers can provide the Drainage Authority with printing and mailing out Property Owners' Reports at no additional charge

The H2Over Viewers Standard Redetermination Package includes the following deliverables. The information and maps included in this package can be used by your county in performing parcel splits and classification splits for the foreseeable future.

- Physical viewing
- Narrative viewers' report
- Tabular viewers' report (per 40-acre tract); This report can be provided in any format the Drainage Authority would like to facilitate ease when entering into their tax system.
- System overview map
- Individual parcel maps

- GIS maps that include land classifications
- Attendance at:
 - Landowner meetings
 - Final Hearing
- For your protection we provide the following insurances at no cost to the Drainage Authority:
 - 1 million in Professional Liability
 - 1 million per occurrence and 2 million aggregate in General Liability
 - 1 million for any employee driving any vehicle(s) doing work for H2Over Viewers
 - 1 million umbrella on top of the aforementioned

The H2Over Viewers process for redetermining benefits is deeply rooted in a scientific data. This approach means we will be working closely with a team of engineers (at no additional cost to the drainage authority). This team of engineers will be producing the preliminary watershed modeling based on the use of state-of-the-art technology, yielding the most accurate maps available today. Our team of trained economic evaluation consultants will be using LiDAR data, Shuttle Radar Topography Mission data and 20+ different years of satellite imagery. We will look at depression maps, soils maps, contour maps, elevation relativity maps, crop productivity index maps, GIS parcel data, ditch alignment layers and many more. We use as many as 35 different GIS layers of data each weighted differently to produce the highest quality land classification maps available. We will also spend a considerable amount of time in the field ground truthing the data to make sure we know the location of culverts, tile inlets, pumps, anything deemed important to our process of determining economic values and/or drainage patterns within the watershed of the appointed systems.

Additional Information:

- 1) H2Over Viewers brings with them 3 highly trained viewers, as well as a highly trained alternate viewer in the unfortunate event one of the viewers cannot finish the contract. This protects the county to ensure the project gets completed. Our viewers have redetermined over 1 million acres for over 20 different counties in MN. To date, there has been zero appeals based on the merit of our work.
- 2) We provide the highest level of GIS maps, not only for our process, but for the drainage authority to have for any future needs, i.e. parcel splits, tile management, future improvements, One Watershed One Plan, as well as a level of transparency in our viewing process.
- 3) Our process makes it very easy for the H2Over Viewers team to do future improvement redeterminations. We can input the changes to the drainage coefficients throughout the watershed and produce a high-level improvement redetermination based on scientific data.
- 4) Our company works with one of the most widely known engineering firms in the drainage community. This relationship gives us access to a team of drainage engineers throughout our process and allows us to consult with, at no additional charge to the drainage authority, on any aspect of the project.
- 5) All invoices are paid to H2Over Viewers and H2Over Viewers pays its viewers. This makes for easier accounting for the drainage authority.
- 6) Our prices are up front and our costs are known before we begin.
- 7) We provide contracts to outline everything clearly as well as provide deadlines that we can meet.

In short, I feel that we provide a level of professionalism not available by any other team or individual in our field. We strive for excellence both personally and professionally. Our job is to be transparent with our reports and provide as much information to both the board and the landowners as possible. Our goal is to provide a turn key service with little to no extra work needed from the Drainage Authority and its staff.

Once again, we would like to thank you for considering H2Over Viewers for your redetermination of benefits needs for the drainage systems in your county. We truly believe that our Standard Redetermination Package is the best available in the state of Minnesota and will prove to be the solution you are looking for.

Respectfully yours,

Bryan Murphy
President
H2Over Viewers LLC
218-201-0066
bryan@h2overviewers.com

**Note: This letter is intended to be an offer letter, not a binding agreement. Once terms are accepted a contractual agreement, signed and executed by both parties, will be required. This proposal is good for a term of 30 days from the date of proposal.*