

1. Ditch Authority Agenda

Documents:

[DITCH AUTHORITY AGENDA\\_NOVEMBER 17, 2020.PDF](#)

2. Ditch Authority Packet

Documents:

[DITCH AUTHORITY PACKET\\_NOVEMBER 17, 2020.PDF](#)



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## **BENTON COUNTY DITCH AUTHORITY**

Tuesday, November 17, 2020, Approximately 10:25 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 November 3, 2020
4. 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](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)



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BENTON COUNTY DITCH AUTHORITY

Tuesday, November 3, 2020

Benton County Board Room

The Benton County Ditch Authority met in special session on November 3, 2020 in the Benton County Board Room in Foley, MN with Board members Ed Popp, Warren Peschl, Spencer Buerkle, Steve Heinen and Jake Bauerly present. Also present was Chris Byrd, County Engineer; Monty Headley, County Administrator; Vicki Feuling, Administrative Assistant; and Michelle Meyer, Assistant County Attorney (Virtual).

Call to order by Chair Buerkle was at 10:29 AM.

Peschl/Heinen unanimous to approve the agenda as amended—add item: Set a Public Hearing notice to consider a Redetermination of Benefits on County Ditch Numbers 2, 4, 5, 7, 10, 11, and 12.

Bauerly/Popp unanimous to approve the minutes of October 20, 2020 as written.

Chris Byrd, County Engineer, explained that, at the October 6, 2020 meeting, the possibility of ordering a redetermination of benefits on the remainder of the county ditches was discussed; this may offer some cost savings to the benefitted landowners on each ditch system. Byrd stated the need to set a public hearing before the viewers are appointed. He clarified that Ditch Numbers 3 and 9 would not be included in this process as those ditches are already proceeding under a repair petition. Byrd stated “...through the process...if we do decide to move forward with a redetermination of benefits on multiple systems...when the viewers complete their work and they have landowner reports...we will have to have individual hearings for the systems at the end...those can be spread out over time as that work gets completed...but we are going to entertain the idea of doing one hearing before ordering it on multiple ditch systems...” Heinen/Bauerly unanimous to set a Public Hearing notice to consider a Redetermination of Benefits for County Ditch Numbers 2, 4, 5, 7, 10, 11, and 12 for 10:00 AM on Tuesday, November 24, 2020 at the Benton County Public Works Department, 7752 Highway 25 NE, Foley.

Byrd reported that, at the February 4, 2020 Ditch Authority meeting, he informed the Board of the possibility of the creation of a Judicial Ditch, due to a ditch in Mille Lacs County having a watershed contributing to, and extending into, Benton County and into Sherburne County; in other words, there are landowners in Benton County that receive a benefit from the ditch in Mille Lacs County. Byrd stated that this leads to the creation of a Judicial Ditch which will be comprised of Board members of all three counties forming a Judicial Ditch Board. He noted that Mille Lacs County has asked John Kolb of Rinke Noonan to advise on the next steps to create a Judicial Ditch Authority; the County Attorneys from all three counties are aware of this situation and have plans to discuss in the coming weeks. Byrd added “...I don’t think they’ve had the final hearing yet...they have to have a hearing on the viewers’ report...all the landowners would have to be notified...” He pointed out that no action is being requested today—this is just an informational item at this time.

Byrd noted that H2Over Viewers will prepare a benefits and damage statement for the Redetermination of Benefits for each landowner on each ditch—what their market value is before and after the project; the statement will not provide the value of the assessment—this is determined after the project costs are known. He noted that the landowners will also have the opportunity to meet with the viewers.

Pesch/Heinen unanimous to adjourn at 10:42 AM.

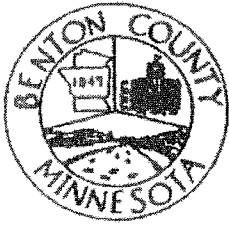
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Spencer C. Buerkle, Chair  
Benton County Ditch Authority

ATTEST:

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Montgomery Headley  
Benton County Administrator



**BENTON COUNTY DITCH AUTHORITY  
AGENDA ITEM REQUEST**

Meeting Date:	11/17/20	Regular Agenda:	X
Requesting Department:	Public Works	Consent Agenda:	

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

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 H2Ooveriewers, 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 the provide.

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

**Action Requested:**

Set a Public Hearing notice to consider a Redetermination of Benefits of County Ditch Nos. 4, 5, 7, 9, 10, 11, 12, and 14

**Fiscal Impact:**

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

Approved by:	Signature	Date
Chris Byrd		11-10-2020
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. 2, 4, 5, 7, 9, 10,**  
**11,12**

**In the Matter of:**

**the Redetermination of Benefits and Damages of BENTON COUNTY DITCH NOS. 2, 4, 5, 7, 10, 11, 12, 14**

**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 **10:00 AM** on **November 24, 2020** at the Benton County Public Works Department, at 7752 Highway 25 NE, Foley, MN 56329. All interested parties may appear and be heard.

\_\_\_\_\_  
Spencer C. Buerkle, Board Chair

Dated: \_\_\_\_\_,