

BENTON COUNTY DITCH AUTHORITY
Tuesday, February 5, 2019
Benton County Board Room

The Benton County Ditch Authority met in special session on February 5, 2019 in the Benton County Board Room in Foley, MN with Board members Steve Heinen, Ed Popp, Jake Bauerly, 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 County Board Chair, Jake Bauerly, was at 12:12 PM.

Popp/Heinen unanimous to approve the agenda as written.

Peschl/Popp unanimous that the 2019 Benton County Ditch Authority Chair and Vice-Chair mirror the 2019 County Board Chair and Vice-Chair (Jake Bauerly for Chair and Spencer Buerkle for Vice-Chair).

Popp/Buerkle to approve the minutes of September 18, 2018 as written. Motion carried with Bauerly, Peschl, Buerkle and Popp voting aye and Heinen abstaining from the vote (was not a member of the Ditch Authority at that time).

The next item on the agenda was to consider final payment for the County Ditch 13 repair project and the County Ditch 15 repair project. Chris Byrd, County Engineer, explained that the contractor has completed the work and is requesting final payment (the 5% retainage which the County was holding). He noted that the final payment amount does fall below the "let" amount; this was mostly due to product that was not used and the fact that the entire length of culvert was not cleaned out as not every culvert was in need of clean out.

Byrd reported that the final pay amount for County Ditch 13 is \$97,728.34; the final pay amount for County Ditch 15 is \$118,574.92—which is under estimate and under the letting amount. He stated that, at a future meeting, he will bring final assessment amounts to be reviewed and approved by the Board; the Board will need to set the length of the payment term and interest rate. Byrd added that he will also bring forth a plan for a maintenance assessment.

Peschl asked for a summary of the missteps which occurred on this ditch. Byrd stated "...the contractor deviated off the planned alignment of the ditch...went through some private land...we were involved to try to help negotiate some kind of settlement...at this point...that got settled between the landowner and the contractor outside of county involvement...we did have some minor involvement...we did allow a culvert to be replaced in County Ditch 13 as a ditch crossing for that private landowner...other than that, they came to a mutual agreement outside of the county..." Peschl inquired about the status of the ditch connection between County Ditch 13 and County Ditch 15. Byrd commented "...they were notified in writing that they are supposed to apply to the Ditch Authority to request a ditch connection...there has been no response...it was opened, and then filled, and then opened again...at one point, the ditch was taking part of the Ditch 13 drainage area and dumping it into Ditch 15...so they closed it and Ditch 13 and Ditch 15 were separated...now opening it up again, you could argue that some of that drainage area from Ditch 13 is going into Ditch 15 so that assessment should be flipped over to there...going forward, theoretically, that could affect the assessment...should some of those owners on Ditch 13 be part of the Ditch 15 assessment...the viewers have to determine who gets assessed and the value of that

assessment..." Upon questioning by Peschl, Byrd confirmed that County Ditch 13 was put back to the 1907 ditch alignment.

Peschl/Popp unanimous to approve final payment amount to *Rice Contracting & Development Services* for the County Ditch 13 repair project and the County Ditch 15 repair project.

Bauerly commented "...keep the next ditch projects coming..."

Chair Bauerly adjourned the meeting at 12:22 PM.

A. Jake Bauerly, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator