

BENTON COUNTY DITCH AUTHORITY

Tuesday, June 2, 2020

Benton County Board Room

The Benton County Ditch Authority met in special session on June 2, 2020 in the Benton County Board Room in Foley, MN with Board members Jake Bauerly, Ed Popp, Warren Peschl, Spencer Buerkle and Steve Heinen 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 10:49 AM.

Peschl/Heinen unanimous to approve the agenda as written.

Bauerly/Popp unanimous to approve the minutes of May 5, 2020 as written.

Chris Byrd, County Engineer, explained that the Ditch Authority recently accepted the Reestablishment of Records Report for County Ditch 6, which was presented at the May 5th meeting. He stated that, as the Ditch Engineer, he is recommending that the Ditch Authority order a Redetermination of Benefits for County Ditch 6; it is also recommended that a public hearing be conducted prior to ordering a Redetermination and appointing viewers. Byrd noted that the original viewers report, dated 1905, only assessed benefits to 439 acres; while completing the preliminary engineer's report, it was determined that approximately 1,805 acres drain into County Ditch 6 and are, therefore, receiving at least a minor benefit. He pointed out that the original value of benefits determined was \$8,134.50; any repair costs today would far exceed that value.

Byrd indicated that if a public hearing for County Ditch 6 is set today, his office would send out a mailing to all the additional property owners notifying them of the public hearing. He stated that the next step would be to appoint viewers.

There was discussion on the best location to hold the public hearing. Bauerly inquired about using the highway department facility. Byrd commented "...I think the property owners in the original benefitted area will see this as a welcome change because it lessens that (financial) burden on them...we have identified the drainage area so we know those parcels that have "touches" ...at this point, we wouldn't be able to say what their assessments would be or the amount of benefit...but we would certainly mail out a notice that their property is being considered for possible future assessments...when we have these public hearings, written comments are always accepted...give them time to receive the mailing, digest it, and if they don't think they can make the technology work, they could have time to submit written comments to read into the record at the public hearing...Michelle (Assistant County Attorney) cautioned me that we should not be incurring any additional engineering costs for the repair project until we've completed the redetermination of benefits...because all those repair costs will be part of those assessments..."

Buerkle referenced a previous public hearing of the Ditch Authority when one of the viewers attended and answered questions; he commented on how helpful the viewer's attendance was to the process. Byrd stated "...my goal between now and that first hearing would be to talk with some viewers and have a list of recommended viewers...we wouldn't have them on board until after that hearing...then the Board would need to take action to appoint those viewers...I could see if they could be present just to talk about the process...they wouldn't be able to talk about specific parcels..."

Heinen inquired as to how many property owners would be impacted; Byrd will provide that information by the next meeting. Bauerly stated "...my concern is about written comments...so if people write that they are against it because it's going to raise their taxes...but once the viewers explain it, maybe they wouldn't be against it...I'd still like to have some kind of open forum..." Headley stated "...we need to find out what is the permissible group size within a building...I've not seen anything right now that says you should go over ten..." Bauerly added "...we could set a date...we will work toward the best communication process we can given the Governor's order at the time..."

Peschl/Popp unanimous to set the date for a public hearing on County Ditch 6 for Tuesday, July 7, 2020, at 10:00 AM in the Benton County Board Room.

Popp/Heinen unanimous to adjourn at 11:03 AM.

Spencer C. Buerkle, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator