

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