

BENTON COUNTY DITCH AUTHORITY  
Tuesday, October 1, 2019  
Benton County Board Room

The Benton County Ditch Authority met in special session on October 1, 2019 in the Benton County Board Room in Foley, MN with Board members Spencer Buerkle, Steve Heinen, Ed Popp, Jake Bauerly 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 Jake Bauerly was at 10:05 AM.

Peschl/Heinen unanimous to approve the agenda as written.

Popp/Buerkle unanimous to approve the minutes of September 3, 2019 as written.

Chris Byrd, County Engineer, stated that, as discussed at previous meetings, he has asked *Houston Engineering* to provide a proposal to review County Ditch 7 and provide recommendations on how to proceed. Byrd referenced the proposed cost of \$18,800 for Ditch 7—this would include inspection of the ditch and surveying, a profile of the ditch bottom, reproducing construction plans based on what is there today, and bringing a report back to the Ditch Authority for review.

Peschl inquired if Ditch 7 has a fund balance. Byrd stated that there had been a small fund balance in Ditch 7 to fund the 2013/2014 repair; however, very little of the fund remains after the 2013/2014 repair and the 2010/2011 repair. Popp commented “...when they did that last repair...they left the spoils...the piles are still out there...we are already doing Ditch 6 up there too...” He asked the question—how much money can we spend before we have to have a public hearing? Byrd responded “...you can have a public hearing before proceeding with the work or you can have a public hearing after receiving the Engineer’s Report and determining to move forward with the project...” Bauerly asked the question—if nobody petitioned, can we still go ahead and assess individuals? Byrd stated “...we would still have to have a public hearing before we actually do the assessments, but part of our responsibility is to be reviewing these ditches and inspecting them and repairing them as necessary...in my opinion, it forces us to do work before we’ve even assessed...at a minimum, we have to inspect our ditches every five years...or 20% of our ditches should be inspected every year...”

Byrd explained that there is a repair petition to repair County Ditch 14; Houston Engineering’s cost proposal for Ditch 14 is \$47,300, and includes surveying, preparation of repair plans, review of the original establishment documents, assistance in clarifying if a new redetermination is needed, and preparation of a full Engineer’s Report. Byrd clarified that none of these costs would be general levy funds; rather the costs would be assessed to those landowners benefitting from the ditch system. He added “...as the engineers on the project, Houston Engineering could say they believe there are additional properties being benefitted from the ditch from the original viewers’ report...they may recommend that the Ditch Authority go through a redetermination process where viewers are appointed to capture all those benefitted parcels...”

Byrd stated his recommendation that, once the reports are received from Houston Engineering, but before action is taken to do physical work, public hearings should be scheduled (will eventually need public hearings on Ditch 6, Ditch 7 and Ditch 14). He confirmed that there will be “informal notifications” to landowners throughout the process.

Popp/Peschl unanimous to move forward with a Professional Services Agreement with Houston Engineering for County Ditch 7 and County Ditch 14.

Chair Bauerly adjourned the meeting at 10:15 AM.

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A. Jake Bauerly, Chair  
Benton County Ditch Authority

ATTEST:

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Montgomery Headley  
Benton County Administrator