

BENTON COUNTY DITCH AUTHORITY

Tuesday, October 6, 2020

Benton County Board Room

The Benton County Ditch Authority met in special session on October 6, 2020 in the Benton County Board Room in Foley, MN with Board members Steve Heinen, Jake Bauerly, Ed Popp, 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 Chair Buerkle was at 12:23 PM.

Peschl/Bauerly unanimous to approve the agenda as written.

Popp/Heinen unanimous to approve the minutes of September 1, 2020 as written.

Chris Byrd, County Engineer, explained that the Ditch Authority recently ordered the redetermination of benefits for County Ditch 6 and County Ditch 14; when considering the remaining ditch systems, there is the potential need to have redeterminations completed to bring the benefits up to present-day land values. Byrd noted that the remaining ditch systems have additional lands draining to them than what was originally assessed based on the viewer reports; there is a possible 33,000 additional acres receiving benefits from county ditches that are not on assessment rolls.

Byrd stated that the work associated with redetermining benefits has a cost and those costs are assessed back to the benefitted landowners. He noted that the viewers that were appointed are charging a rate of \$4.50 per benefitted acre; the viewers will offer a rate of \$4.00 per acre if the county were to move forward with a redetermination on the remaining ditch systems. Byrd stated this would result in significant savings to landowners on each individual ditch system; according to the County Attorney's Office, a public hearing would be required. He noted that, according to the viewers, they could, potentially, complete the redetermination in a 12-month timeline; and if that's "too fast for Benton County", they could complete the work over a 24-month period (each ditch system would require a public hearing and meetings with the landowners).

Buerkle commented "...most of the time before we do anything with these ditches, we have a request from somebody on that ditch system..." Byrd stated "...that's how it's been...there's been recent case law that says ditch authorities have the responsibility...and shall maintain them even before a petition is received..." Bauerly stated "...I would think we should counter-offer at \$3.75 per acre and do it over two years..." Popp added "...it will speed up the process when we do have someone come in with a petition..." Byrd added "...I think there is a benefit in getting this done...we can just go ahead and start cleaning things without waiting for someone to say there is a problem..." Bauerly/Heinen unanimous that the County Engineer counter-offer at \$3.75 per acre over a 24-month period for redetermination of benefits on all county ditches.

Peschl/Popp unanimous to adjourn at 12:28 PM.

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Spencer C. Buerkle, Chair  
Benton County Ditch Authority

ATTEST:

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Montgomery Headley  
Benton County Administrator

