

BENTON COUNTY DITCH AUTHORITY
Tuesday, October 20, 2020
Benton County Board Room

The Benton County Ditch Authority met in special session on October 20, 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 12:24 PM.

Peschl/Bauerly unanimous to approve the agenda as written.

Heinen/Popp unanimous to approve the minutes of October 6, 2020 as written.

Chris Byrd, County Engineer, explained that, at the October 6, 2020 meeting, the possibility of ordering a redetermination of benefits on the remainder of the county ditches was discussed; this may offer some cost savings to the benefitted landowners on each ditch system.

Byrd stated that while there was some interest from the Board in moving forward with this, he was asked to go back to the viewers and see if they could reduce their unit price any more to offer additional savings. Byrd stated that after discussion with Bryan Murphy, President of H2Over Viewers, they are unable to offer any additional cost reductions; Murphy states that \$4.00 per acre is as low as they can go as they have a certain amount of fixed costs that they cannot reduce. Byrd referenced a handout of services as prepared by H2Over Viewers, stating "...if you read in statute, there are a lot of functions that fall to the Auditor-Treasurer...their goal is to provide us all the information we need...prepare all the documentation...so all we need to basically do is stuff the information into Auditor-Treasurer envelopes and mail them out to all the landowners who will be affected by this...they will run the landowner meetings...they will be present for public hearings...they will be making site visits and talking to landowners on site..."

Buerkle commented "...I think we need to run that by our Auditor-Treasurer...so there is clear communication there..." Byrd stated "...what happened on Ditch 13 and Ditch 15...when we did those...it was Public Works staff and Auditor-Treasurer staff working together...drafting letters...verifying addresses...sending those out...taking the viewers' report and putting that together..."

Peschl inquired if the County "holds the tab" until the costs are assessed back to the benefitted landowners. Byrd replied "...that's right...the County would be fronting those costs until we set up all those assessments and start collecting that back...but that's not uncommon..." Bauerly stated his belief that the Board will need to set a time and place for an initial hearing for a redetermination of benefits. Byrd added "...although we don't know the absolute final cost because that will vary by the number of acres, we do know it's going to be \$4.00 per acre..." Popp commented "...that's going to be a large number of notifications..." Byrd added "...we don't know all the benefitted acres now...we'd certainly notify all the acreage that's in the last viewers' report...or the original viewers' report...we would publish it in the newspaper..." Bauerly stated "...I think we should have each ditch an hour apart or something...so we don't have all the people coming to one place during COVID...maybe a large room with an hour apart for each ditch..." Popp commented "...you can't do all ten ditches at one time...even if you are going to do them on an hourly basis, that's ten hours..."

Byrd stated "...if there's general consensus to move forward with this, I can go back to our County Attorney's Office and talk about...how do we set up a hearing on all these ditches...I can start going to work with H2Over Viewers...we'll definitely have to have an agreement in place...they have done this for other counties in Minnesota before...our County Attorney's Office was the one telling me that we should have an initial hearing before actually appointing them...at the next meeting I can come back with a strategy...they (H2Over Viewers) still believe they can do it within twelve months...their field work...the computer work...landowner meetings..."

Motion by Popp to enter into an agreement with H2Over Viewers at \$4.00 per acre for redetermination of benefits on all county ditches (except for Ditch 13 and Ditch 15). Second by Peschl. Motion carried unanimously.

Peschl/Heinen unanimous to adjourn at 12:35 PM.

Spencer C. Buerkle, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator