

BENTON COUNTY DITCH AUTHORITY  
Tuesday, November 3, 2020  
Benton County Board Room

The Benton County Ditch Authority met in special session on November 3, 2020 in the Benton County Board Room in Foley, MN with Board members Ed Popp, Warren Peschl, Spencer Buerkle, Steve Heinen and Jake Bauerly present. Also present was Chris Byrd, County Engineer; Monty Headley, County Administrator; Vicki Feuling, Administrative Assistant; and Michelle Meyer, Assistant County Attorney (Virtual).

Call to order by Chair Buerkle was at 10:29 AM.

Peschl/Heinen unanimous to approve the agenda as amended—add item: Set a Public Hearing notice to consider a Redetermination of Benefits on County Ditch Numbers 2, 4, 5, 7, 10, 11, and 12.

Bauerly/Popp unanimous to approve the minutes of October 20, 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 the need to set a public hearing before the viewers are appointed. He clarified that Ditch Numbers 3 and 9 would not be included in this process as those ditches are already proceeding under a repair petition. Byrd stated “...through the process...if we do decide to move forward with a redetermination of benefits on multiple systems...when the viewers complete their work and they have landowner reports...we will have to have individual hearings for the systems at the end...those can be spread out over time as that work gets completed...but we are going to entertain the idea of doing one hearing before ordering it on multiple ditch systems...” Heinen/Bauerly unanimous to set a Public Hearing notice to consider a Redetermination of Benefits for County Ditch Numbers 2, 4, 5, 7, 10, 11, and 12 for 10:00 AM on Tuesday, November 24, 2020 at the Benton County Public Works Department, 7752 Highway 25 NE, Foley.

Byrd reported that, at the February 4, 2020 Ditch Authority meeting, he informed the Board of the possibility of the creation of a Judicial Ditch, due to a ditch in Mille Lacs County having a watershed contributing to, and extending into, Benton County and into Sherburne County; in other words, there are landowners in Benton County that receive a benefit from the ditch in Mille Lacs County. Byrd stated that this leads to the creation of a Judicial Ditch which will be comprised of Board members of all three counties forming a Judicial Ditch Board. He noted that Mille Lacs County has asked John Kolb of Rinke Noonan to advise on the next steps to create a Judicial Ditch Authority; the County Attorneys from all three counties are aware of this situation and have plans to discuss in the coming weeks. Byrd added “...I don’t think they’ve had the final hearing yet...they have to have a hearing on the viewers’ report...all the landowners would have to be notified...” He pointed out that no action is being requested today—this is just an informational item at this time.

Byrd noted that H2Oover Viewers will prepare a benefits and damage statement for the Redetermination of Benefits for each landowner on each ditch—what their market value is before and after the project; the statement will not provide the value of the assessment—this is determined after the project costs are known. He noted that the landowners will also have the opportunity to meet with the viewers.

Peschl/Heinen unanimous to adjourn at 10:42 AM.

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Spencer C. Buerkle, Chair  
Benton County Ditch Authority

ATTEST:

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Montgomery Headley  
Benton County Administrator