

BENTON COUNTY DITCH AUTHORITY

Tuesday, February 2, 2016

Benton County Board Room

The Benton County Ditch Authority met in special session on February 2, 2016 in the Benton County Board Room in Foley, MN with Board members Warren Peschl, Spencer Buerkle, Ed Popp, Jim McMahon and Jake Bauerly present. Also present was Chris Byrd, County Engineer; Michelle Meyer, Assistant County Attorney; Monty Headley, County Administrator; and Vicki Feuling, Administrative Assistant

Call to order by County Board Chair, Spencer Buerkle, was at 11:08 AM.

Peschl/Bauerly unanimous to approve the agenda as written.

Popp/Bauerly unanimous that the 2016 Benton County Ditch Authority Chair and Vice Chair mirror the 2016 County Board Chair and Vice Chair (Spencer Buerkle for Chair and Warren Peschl for Vice Chair).

McMahon/Peschl unanimous to approve the minutes of November 3, 2015 as written.

The meeting was closed at 11:10 AM to discuss potential litigation, as permitted under MN Statutes §13D.05, Subdivision 3(b). The meeting returned to open session at 11:34 AM.

The next item on the agenda was discussion of a County Ditch inspection policy; discussion on the policy was tabled at the October 6, 2015 meeting of the Ditch Authority. Chris Byrd, County Engineer, referenced a listing of all known benefitted landowners for all ditches and what each would be assessed for inspecting County ditches (does not include any repair costs). He indicated that the county has a statutory obligation to inspect the ditches at a minimum of once every five years, along with repair and maintenance—not wait for petitions or requests from landowners to do the work. Byrd stated that if a routine inspection results in a needed repair, a public hearing would be held prior to assessment of repair costs (unless a base assessment for maintenance was previously established). McMahon spoke in support of establishing a base assessment for maintenance. Meyer clarified that only one hearing would be needed to establish that base fund—subsequent hearings on repairs would not be needed.

Byrd clarified that the costs for the viewers who are doing the redeterminations for Ditch 13 and 15 are not included in the listing as provided; those viewer costs will be assessed to the benefitted landowners. McMahon inquired if the performance of routine ditch inspections would eliminate the need for redeterminations. Byrd explained that there are several “triggers” to a redetermination, one of which is when the cost of the repair starts exceeding the benefit. Meyer suggested that it may be appropriate to do a redetermination for each ditch before setting up an account for each ditch—this would ensure an updated listing of benefitted landowners.

McMahon/Peschl unanimous to approve the “Policy for Inspection of County Ditches” as presented.

Peschl/Popp unanimous to adjourn at 11:42 AM.

Spencer C. Buerkle, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator

