

BENTON COUNTY DITCH AUTHORITY
Tuesday, July 5, 2016
Benton County Board Room

The Benton County Ditch Authority met in special session on July 5, 2016 in the Benton County Board Room in Foley, MN with Board members Ed Popp, Jake Bauerly, Warren Peschl, Jim McMahon and Spencer Buerkle present. Also present was Chris Byrd, County Engineer; Michelle Meyer, Assistant County Attorney; and Monty Headley, County Administrator.

Call to order by Chair Spencer Buerkle was at 10:12 AM.

Peschl/McMahon unanimous to approve the agenda as written.

McMahon/Bauerly unanimous to approve the minutes of May 17, 2016 as written.

Chris Byrd, County Engineer, explained that the Ditch Authority will receive the viewer's reports for Ditch 13 and Ditch 15 at their meeting on July 12th; the Ditch Authority will then set a public hearing date and hold a public hearing to receive public comments on the reports. Byrd referred to the private ditch that was dug that was draining water from Ditch 13 into Ditch 15, noting that the landowner has since filled in that ditch. He stated that the viewers have completed their reports as if that private ditch were open and have recommended outlet fees; since that ditch is now filled in, it may be wise to receive the viewer's reports and direct the viewers to go back to the property to ensure that their reports are correct. Byrd stated that he did not know the exact date the ditch was filled in, but his inspection of the site in May showed it filled in (it was not filled in as of the Board's road tour on April 22nd). He noted that there is drain tile extending out from the area that was filled in. Byrd also noted that he has become aware of a contract for deed between Kothman Farms and Robert Anderson. Michelle Meyer, Assistant County Attorney, stated that when the Ditch Authority receives the viewer's reports, the Auditor-Treasurer's Office will need to send out notices to the property owners; at the final hearing, the Ditch Authority can ask for more information from property owners and decide whether or not there is a need to re-examine the site (the final hearing may be continued until the re-examination report is received). Meyer pointed out that the final hearing would be a good time to get detailed information from Mr. Anderson on what, and where, he has tiled (the Board may wish to address if he has changed the water course through tiling to property that wasn't assessed benefits; also address if an outlet fee is needed).

Meyer summarized the process to follow: The Board will receive the viewer's reports on July 12th (would not hold a public hearing at that time); the Board will set a public hearing date and hold a public hearing; at the hearing, the Board will ask for evidence and more information from landowners and decide whether a re-examination report is needed. Monty Headley, County Administrator, referenced the costs that have been incurred to this point for the viewers, inquiring whether there will be a public hearing at some point to allow the county to capture the costs associated with the viewing from the benefitted property owners. Byrd confirmed that, at some point, the Ditch Authority will need to get back to the issue of the original repair petition and whether or not to move forward with the repairs. Meyer clarified that although the petitioners did retract their petition, the Ditch Authority must still act on the Engineer's Report. Byrd pointed out that the county currently has a ditch inspection policy in place (will inspect ditches a minimum of every five years). Meyer noted that should the county establish a fund for ongoing inspection/maintenance of county ditches, a lot of costs/time could be saved.

Chair Buerkle adjourned the meeting at 10:27 AM.

Spencer C. Buerkle, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator