

BENTON COUNTY DITCH AUTHORITY
TUESDAY, APRIL 5, 2022
BENTON COUNTY BOARDROOM

The Benton County Ditch Authority met in regular session on April 5, 2022 in the County Boardroom in Foley, MN with Board members Beth Schlangen, Scott Johnson, Steve Heinen, Jared Gapinski and Ed Popp present. Also present was Chris Byrd, County Engineer; Montgomery Headley, County Administrator; Michelle Meyer, Assistant County Attorney (virtual); and Beth Stay, Executive Assistant.

Chair Heinen called the meeting to order at 2:45 PM.

Johnson/Gapinski to approve the agenda as written. Motion carried unanimously.

Popp/Johnson to approve the Meeting Minutes of March 9, 2022 as written. Motion carried unanimously.

Johnson/Popp to approve the Meeting Minutes of March 15, 2022 as written. Motion carried unanimously.

County Engineer Chris Byrd stated that they had received a Petition for Repair on County Ditch (CD) No. 6. Byrd added that they do not need to receive 25% of the property owners request to repair the ditch, they only need to have all the owners that are benefitted on one parcel to sign the petition for repair. The next step would be to order the Petition of Repair. The Findings read as follows:

Findings:

1. A petition by Cary Pietrzak, Carolyn Pietrzak, Bryan Pietrzak and Amanda Pietrzak, dated March 20, 2022 was received on March 21, 2022 by the Auditor of the **Benton County Board of Commissioners** requesting to repair **Benton County Ditch No. 6** pursuant to Minn. Stat. § 103E.715.
2. Michelle Meyer, Asst. Benton County Attorney, reviewed the petition by Cary Pietrzak, Carolyn Pietrzak, Bryan Pietrzak and Amanda Pietrzak filed with the County and determined that the petition indicated that a repair was needed on Benton County Ditch No. 6, was signed by all of the owners the identified in the Petition, and met the requirement of the proceedings for repair.
3. Chris Byrd, Public Works Director, reviewed the Cary Pietrzak, Carolyn Pietrzak, Bryan Pietrzak and Amanda Pietrzak's petition and found that their property was within the original area assessed benefits for the Benton County Ditch No. 6.
4. The drainage authority finds that it has jurisdiction over these proceedings and pursuant to Minn. Stat. § 103E.715, subd. 2, desires to appoint an engineer to make a repair report.

The Order reads as follows:

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for **Benton County Ditch No. 6**, hereby orders as follows:

- A. The petitions for repair of Benton County Ditch No. 6 are accepted.

- B. That Chris Byrd, Public Works Director, is hereby appointed as the engineer for these proceedings and shall make a repair report pursuant to Minn. Stat. ch. 103E.715, subd. 2.
- C. Prior to commencing any work, the engineer must subscribe to an oath to faithfully perform the assigned duties in the best manner possible with the auditor within ten days after being appointed.
- D. The engineer may appoint assistant engineers and hire help necessary to complete the engineer's duties. The engineer shall be responsible for the assistant engineers and may remove them.
- E. The engineer shall make an expense report every two weeks after the beginning of the engineer's work until the construction of the contract is awarded. The report must show costs incurred by the engineer and expenses incurred under the engineer's direction relating to the proceeding, and include the names of the engineer, engineer assistants, and employees and the time each was employed, and every item of expense incurred by the engineer.

Motion by Johnson and seconded by Gapinski to accept the petition that has been presented and to accept Chris Byrd as the County Engineer and he may also appoint assistant engineers and hire help necessary to complete the engineer's duties and to keep track of their time. Motion carried unanimously per roll call vote with Commissioner Schlangen, Johnson, Heinen, Gapinski and Popp all voting "aye".

Byrd stated the next steps would be to order the actual repair after a hearing on the repair report. Byrd stated that according to Meyer and State Statute, we must have the hearing on the repair report within 30 days of a petition being filed with the Auditor. Byrd stated that with a consensus on a date and time today, he will bring this to the next Ditch Authority Meeting to be adopted. There was a consensus by the County Board to set the date of Monday, May 9, 2022 at 9:00 AM for County Ditch No. 3, and 10:00 AM for County Ditch No. 6, both to take place in the Benton County Boardroom, Foley, MN.

Next, Byrd provided an update on the Mille Lacs-Benton-Sherburne Joint Ditch 1 A. Byrd stated the viewers have completed the work on this ditch and there are benefited parcels in Benton County. They anticipate having the hearings later this fall. This will mainly affect a few parcels in Glendorado Township. This item was for informational purposes only. No action was taken; no motion was made.

Motion by Johnson and seconded by Gapinski to adjourn at 2:58 PM. Motion carried unanimously.

Steven J. Heinen, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator