

BENTON COUNTY DITCH AUTHORITY
TUESDAY, JUNE 21, 2022
BENTON COUNTY BOARDROOM

The Benton County Ditch Authority met in regular session on June 21, 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, Senior Assistant County Attorney (virtual); and Beth Stay, Executive Assistant.

Chair Heinen called the meeting to order at 10:46 AM.

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

Johnson/Gapinski to approve the Meeting Minutes of June 7, 2022 as written. Motion carried unanimously.

County Engineer Chris Byrd requested to officially set a Public Hearing on the Repair Report for County Ditch (CD) 3. Minnesota Statute §103E.715 subdivision 3 dictates that once the Repair Report is filed with the Auditor, the hearing must be held not more than 30 days later. Motion by Johnson and seconded by Gapinski to set the date of Tuesday, August 2, 2022 at 10:00 AM in the Benton County Boardroom to conduct a Public Hearing on the Repair Report for CD 3. Motion carried unanimously.

Next, Byrd requested to officially set a Public Hearing on the Reestablishment Report for CD 9. Once a date, time and place has been set, mailings will be sent to all interested parties. At this time, the Engineer's Report of Reestablishment of the Drainage Record is being submitted to the Auditor per §103E.101. Motion by Johnson and seconded by Gapinski to set the date for the Public Hearing on the Reestablishment Report for CD 9 to be held on Tuesday, August 2, 2022 at 10:00 AM in the County Boardroom and to authorize the Board Chair to sign the Official Notice. Johnson also read the foregoing Findings into the record, and they read as follows:

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. 9, hereby orders as follows:

- A. The Benton County Board of Commissioners acting as the Drainage Authority having such jurisdiction over Benton County Ditch No. 9, does hereby accept the preliminary report dated April 19, 2022, to reestablish the Public Drainage System Record for the aforementioned drainage system.
- B. The Benton County Board of Commissioners acting as the Drainage Authority having such jurisdiction over Benton County Ditch No. 9, does also hereby set forth a public hearing to be held on August 2, 2022 at 10:00 AM in accordance with Minn. Stat. § 103E.101, subd. 4a, to reestablish records.
- D. This order and the engineer's preliminary report dated April 19, 2022, shall be filed with the Benton County Auditor-Treasurer, Nadean Inman, pursuant to Minn. Stat. § 103E.101, subd. 4a.
- E. Once the engineer's preliminary report is filed, the Auditor-Treasurer shall give notice of the hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all property owners benefited or damaged by the drainage system

and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on the drainage authority's website.

Motion carried unanimously per roll call vote with Schlangen, Johnson, Heinen, Gapinski and Popp voting "aye".

Next, Gapinski requested Byrd to work with Bryan Murphy from H2Overviewers and Mr. Clarence Tadych to schedule a time to look at Mr. Tadych's property regarding his drainage concerns.

Motion by Johnson and seconded by Popp to adjourn at 10:53 AM. Motion carried unanimously.

Steven J. Heinen, Chair
Benton County Ditch Authority

ATTEST:

Montgomery Headley
Benton County Administrator