



AGENDA
SCOTT COUNTY DITCH BOARD MEETING
SCOTT COUNTY, MINNESOTA
OCTOBER 18, 2022

8:00 AM

(1) CONVENE

The Board of Commissioners, in and for the County of Scott, Minnesota, met in the County Board Room in the City of Shakopee, Minnesota, and convened at 8:01 a.m. The following members were present: Commissioner Weckman Brekke, Commissioner Wolf, Commissioner Beard, Commissioner Beer, and Commissioner Ulrich. Commissioner Beard presided.

The following were also in attendance:

1. Lezlie Vermillion, Scott County Administrator
2. Danny Lenz, CFO/ Deputy County Administrator
3. Ron Hocevar, Scott County Attorney
4. Cindy Geis, Community Services Director
5. Kris Lage, Operations Analyst
6. Brad Davis, Planning & Resource Management Director
7. Dan Wormer, County Surveyor
8. Jared Kotasek, Deputy County Surveyor
9. Tracy Cervenka, Administrative Office Supervisor
10. JJ Anderson, Deputy Clerk to the Board

Guests:

1. Joe Hale, Scott Soil & Water Conservation District
2. Troy Kuphal, Scott Soil & Water Conservation District
3. Josh Smith, Lydia, MN
4. Corey Brophy, Belle Plaine, MN
5. Darik L. Schultz, Belle Plaine, MN

(2) APPROVE MINUTES

- 2.1 August 24, 2022 Minutes

Motion by Commissioner Wolf, seconded by Commissioner Weckman Brekke. The motion carried unanimously.

(3) CONSENT AGENDA

- 3.1 Adopt Resolution No. 2022-246; Setting a Public Hearing on November 15, 2022 at 1:00 pm to Receive Public Comment on the Findings and Recommendations on the Order Initiating Repair Proceedings on County Drainage Ditch No. 10

No action was taken. Ms. Lage noted that a landowner meeting was not well attended and those in attendance did not feel they received enough information. After further discussions, learned did not need a public hearing. There will be an additional conversation with landowners. Will hold a public hearing in 2023 to provide feedback.

- 3.2 Approve County Records of Drainage Ditch Expenditures for Scott County Drainage Ditches for 2022
Motion by Commissioner Wolf, seconded by Commissioner Ulrich. The motion carried unanimously.

(4) NON-CONSENT

- 4.1 Adopt Resolution No. 2022-251; Authorizing Maintenance Liens on Scott County Ditches Nos. 10 and 13 for the Purpose of Retaining Positive Fund Balances for Maintenance Needs for the Next Three Years and a One-Time Repair on County Ditch 13 (CD13)
Operations Analyst and Ditch 10 Administrator, Kris Lage, explained the purpose of the Request for Board Action and Resolution, followed by history of the ditch and what led to this Resolution.

For County Ditch 10, a complaint was filed, and that ditch has subsequently gone through a redetermination of benefits with costs associated with the creation of a repair report. These costs caused County Ditch 10 to have a negative balance, and that, along with costs that may be found during the ditch repair, requires a lien to bring the balance back to a positive amount as well as establishing an appropriate fund balance to pay for other expenses. Any costs associated with the Repair Proceedings will come back to the Drainage Authority after the approved repairs have been fully completed.

Corey Brophy of Belle Plaine inquired about letters he has received from the County, wondering if he is liable for repair costs. He has raised concerns about crossing on his property since 2017. Ms. Lage responded that if you are determined by the viewers during the redetermination of benefits process to be a benefitted owner along that ditch, you are responsible for any fees that occur on that ditch. He stated that he has been told in the past that the crossing on the road was oversized, which destroyed the crossing on his property. Community Services Director Cindy Geis stated this would be addressed in the repair report. They will be in touch through the inspectors during the repair proceedings, or at the next landowners' meeting.

Ms. Lage reviewed the costs for each ditch that are included in the resolution being discussed and gave a general timeline of completion for each phase. She then explained the liens being requested – one on Ditch 10 in the amount of \$280,000 and one on Ditch 13 in the amount of \$46,000, how they would be amortized, and how the benefactors would be impacted.

Josh Smith of Lydia asked for a detailed process of what would be done with Ditch 13. Scott County Ditch Inspector Joe Hale explained that the first project will be one segment of the ditch. Next year there will be a comprehensive inspection of the Ditch to determine a plan for future maintenance. Mr. Smith inquired why he was considered a benefitted owner. Mr. Hale explained that property owners pay based on benefit. Mr. Hale responded that it is a measure of the increase in property the ditch creates for your land. Without the ditch, the land wouldn't be as productive. Ms. Geis added that the viewers also look at if any of your water drains into the ditch.

Darik L. Schultz of Belle Plaine asked when Ditch 10 became connected to Ditch 3. Ms. Lage responded that according to the previous Ditch Inspector that happened when it was initially established--it was also explained that this is a unique situation.

Motion by Commissioner Weckman Brekke, seconded by Commissioner Wolf. The motion carried unanimously. A copy of the Resolution is available in the office of the County Administrator and is made a part of this record by reference.

(5) ADJOURN

On a motion by Commissioner Wolf, seconded by Commissioner Ulrich, the meeting adjourned at 8:29 a.m.