

**STATE OF MINNESOTA
BENTON COUNTY BOARD OF COMMISSIONERS
DRAINAGE AUTHORITY FOR BENTON COUNTY DITCHES**

In the Matter of:

2026 Drainage System Assessments for
Benton County Ditches No. 3, 5, 6, 7, 9, 10,
11, 12, 13, 14, and 15.

**Resolution Setting 2026 Maintenance and
Repair Fund Assessments for Benton County
Drainage Systems**

At a duly noticed and public meeting on September 2, 2025 of the Benton County Board of Commissioners, sitting as the drainage authority for all public drainage systems solely within the jurisdiction of Benton County, considered the financial condition and need of various drainage systems under the Board's jurisdiction. Based on the record of proceedings, Commissioner Ropp moved, seconded by Commissioner Benoit to adopt the following Findings and Order:

Findings:

1. The Benton County Board of Commissioners is the public drainage authority under Minnesota Statutes, chapter 103E (the "Drainage Authority") for the following public ditches:
 - a. Benton County Ditch 3 ("CD 3")
 - b. Benton County Ditch 5 ("CD 5")
 - c. Benton County Ditch 6 ("CD 6")
 - d. Benton County Ditch 7 ("CD 7")
 - e. Benton County Ditch 9 ("CD 9")
 - f. Benton County Ditch 10 ("CD 10")
 - g. Benton County Ditch 11 ("CD 11")
 - h. Benton County Ditch 12 ("CD 12")
 - i. Benton County Ditch 13 ("CD 13")
 - j. Benton County Ditch 14 ("CD 14")
 - k. Benton County Ditch 15 ("CD 15")
2. Minn. Stat. § 103E.651 requires the Drainage Authority to maintain separate accounts for each of the drainage systems under its jurisdiction and to pay all costs incurred by each drainage system from the respective account.
3. If there is not money in the account to pay for the costs incurred by a drainage system, the Drainage Authority must assess the benefited landowners for the costs incurred.

4. Pursuant to Minn. Stat. § 103E.705, subd. 6, the Drainage Authority may give notice of and hold a hearing on a levy before ordering the levy of an assessment for repairs and maintenance. In one calendar year the drainage authority may not levy an assessment for repairs or maintenance on one drainage system for more than 20 percent of the benefits of the drainage system, \$1,000 per mile of open ditch in the ditch system, or the dollar amount requiring the solicitation of sealed bids under section 471.345, subdivision 3, whichever is greater, except for a repair made after a disaster as provided under subdivision 7 or under the petition procedure.
5. Benton County authorizes two separate assessment levies for each drainage system that collectively are within the limits of Minn. Stat. § 103E.705. The first levy is for maintenance, which is work conducted pursuant to Minn. Stat. § 103E.705, and the second levy is for repair work, which is work conducted pursuant to Minn. Stat. § 103E.715.¹
6. On August 19, 2025, the Drainage Authority noticed and held a hearing on the assessment levies for CD 3, CD 5, CD 6, CD 7, CD 9, CD 10, CD 11, CD 12, CD 13, CD 14, and CD 15.
7. At the hearing, the Drainage Authority's attorney gave a presentation regarding the assessment levy process and Drainage Authority staff presented a recommendation for assessments for the maintenance fund and the repair fund for each drainage system under Benton County's jurisdiction based on the anticipated end-of-year balance and anticipated 2026 expenses for each drainage system.
8. The Drainage Authority finds that maintenance and repair assessments for each drainage system is appropriate and necessary.

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 3, Benton County Ditch 5, Benton County Ditch 6, Benton County Ditch 7, Benton County Ditch 9, Benton County Ditch 10, Benton County Ditch 11, Benton County Ditch 12, Benton County Ditch 13, Benton County Ditch 14, and Benton County Ditch 15, adopts the following drainage system assessments and directs certification thereof to the Benton County Auditor-Treasurer for collection:

County Ditch	Assessment Levy Amount
Benton County Ditch 3	\$ 5,250

¹ The Board recognizes that the Drainage Code does not distinguish between maintenance and repair. However, the Board makes the distinction in order to ensure both routine maintenance and more significant repairs are accounted for within each drainage system account.

Benton County Ditch 5	\$ 27,000
Benton County Ditch 6	\$ 7,500
Benton County Ditch 7	\$ 35,000
Benton County Ditch 9	\$ 10,000
Benton County Ditch 10	\$ 42,000
Benton County Ditch 11	\$ 47,000
Benton County Ditch 12	\$ 25,000
Benton County Ditch 13	\$ 25,000
Benton County Ditch 14	\$ 15,000
Benton County Ditch 15	\$ 20,000

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order and there were 5 yeas, 0 nays as follows:

	Yea	Nay	Absent	Abstain
GAPINSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOHNSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
POPP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BENOIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEINEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

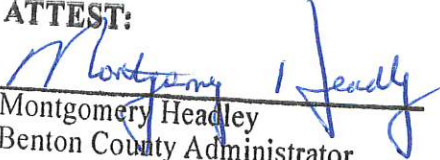
Upon vote, the Board Chair declared the Resolution passed and the findings and order adopted.

Dated this 2nd day of September 2025.

BENTON COUNTY, SEATED AS DRAINAGE
AUTHORITY UNDER STATUTES CHAPTER 103E.

By 
Chairperson

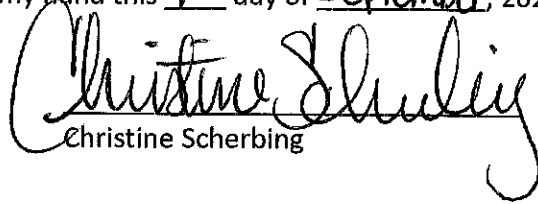
ATTEST:


Montgomery Headley
Benton County Administrator

* * * * *

I, Christine Scherbing, Benton County Auditor-Treasurer, do hereby certify that I have compared the above motion; Findings and Order with the original thereof as the same appears of record and on file with the Benton County Board of Commissioners and find the same to be a true and correct transcript thereof. The above Order was filed with me, Benton County Auditor-Treasurer on Sept. 4, 2025.

IN TESTIMONY WHEREOF, I hereunto set my hand this 4th day of September, 2025.


Christine Scherbing