



Clay County Ditch No. 47 Redetermination of Benefits Hearing Minutes

Monday September 12, 2022

Managers Present: Peter Fjestad; Catherine Affield; John Hanson; Paul Krabbenhoft; Gerald Van Amburg; Mark Hanson.

Managers Absent: Troy Larson.

Staff Present: Kristine Altrichter, Administrator; Lee Olson, Watershed Specialist; Matthew Schlauderaff, Watershed Specialist.

Viewers Present: Bill Austin; Eddie Bernhardson; Dennis Olsen.

Consultants Present: Wade Opsahl, Houston Engineering, Inc. (HEI).

Others Attending: Mike Astrup.

President Fjestad called meeting to order at 5:30 PM.

Hearing to discuss redetermination of benefits for Clay County Ditch No. 47. Altrichter provided timeline for redetermination of benefits process. Viewers will review comments discussed at hearing. Draft findings and order will be presented to Board of Managers for approval. If approved, 30-day appeal period will be initiated. Once 30-day appeal period concludes, benefit area will be updated.

Opsahl provided history of Clay County Ditch No. 47. Clay County Ditch No. 47 parallels County Road 52 (CR 52) to south of railroad tracks south of Highway 10 where it outlets into Clay County Ditch No. 41. A hearing was held for a redetermination of benefits in association with Minnesota Department of Transportation (MnDOT) road improvement in 2008. Moving Clay County Ditch No. 47 to accommodate MnDOT project qualified as a ditch improvement which required a redetermination of benefits. Following the 2008 hearing, a Findings and Order was never approved or signed by Board of Managers acting as the Drainage Authority for Clay County Ditch No. 47. Following a review by BRRWD attorney, it was determined that a hearing would need to be held to validate benefits from 2008 hearing.

Viewers reviewed benefits assigned in 2008 and decided to update benefit rates to account for adjustments in land value. County tax records were reviewed and it was determined that benefit rates presented at 2008 hearing would increase 1.5 times in accordance with increases in land values.

Mike Astrup asked about connection between value of land and benefits. Opsahl noted that benefits are determined on a per acre rate which is consistent with how benefits have been determined on other systems. Astrup asked if benefit rate mattered if there is no proposed work. Opsahl noted that the benefit rate creates the proportioned rate a tract of land will be assessed with ditch assessments. Opsahl added that the 1.5 times increase in benefit rates from 2008 was a method used to determine what the increase between 2008 and 2022 could be.

Astrup asked about the capacity of the ditch. Opsahl noted that he would check with the engineers and follow-up with Astrup.

Astrup asked how Viewers determine how acres of land in one area compare to acres in another. Opsahl noted that for Clay County Ditch No 47. the landscape is fairly uniform so Viewers looked at accessibility to ditch and how well water can drain off the landscape into the ditch. Areas along ditch have best access to the ditch and were assessed at the highest benefit rate, \$60/acre. City of Moorhead was also assessed \$60/acre. Land west of CR 52 and railroad were assessed at \$45/acre. The land in this area has drainage limited by culverts through railroad and CR 52. Land in NW ¼ of the NE ¼ and E ½ of the NE ¼, Section 36, Moorhead Township were assessed \$30/acre. Land in SW ¼, Section 36, Moorhead Township and SE ¼, Section 35, Moorhead Township were assessed \$15/acre.

Astrup asked if total benefits for the ditch reflected the cost of work that can be completed on a system. Altrichter noted that costs are not to exceed total benefits.

President Fjestad adjourned meeting at 5:56 PM.

/s/ John Hanson

Secretary