



OCTOBER 24, 2023
OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY

The Nicollet County Drainage Authority met in regular session on Tuesday, October 24, 2023 following the adjournment of the regular Board of Commissioners meeting. Present at the meeting were Commissioners Kolars, Dranttel, Morrow, Dehen, and Zins. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer and Recording Secretary Sarah Frahm.

Approval of Agenda

Motion by Commissioner Dehen and seconded by Commissioner Morrow to approve the agenda. Motion carried with all voting in favor.

Consent Agenda

Motion by Commissioner Morrow and seconded by Commissioner Dehen to approve the consent agenda items as follows:

1. October 10, 2023 Regular Drainage Minutes

Motion carried with all voting in favor.

Public Appearances

There were no public appearances.

Public Works

Consider Ditch Repair Reports 23-017 through 23-021

Ditch Inspector Henry presented the repair reports for portions of CD 62A. Repairs were needed as a result of the CD 62A improvement project.

Motion by Commissioner Morrow and seconded by Commissioner Dranttel to approve ditch repair reports 23-017 through 23-021. Carried with all voting in favor on a roll call vote.

Public Services

CD30A Partial Abandonment Public Hearing

Chair Kolars called the public hearing to order at 10:00 am. Director Kopet came forward to provide information on the petition for partial abandonment for CD 30A. The floor was then opened for public comments related to the CD 30A partial abandonment.

Tim Waibel, 45438 541st Ave., Courtland, came forward to provide comment on the petition. He was joined by Mike Krieger of Ellingson Drainage. A map of the watershed analysis as well as drafted design plans were presented for viewing. The plan outlines the addition of 24-inch oversized tile to replace the current open ditch.

Dean Zimmerli, attorney with Gislason & Hunter, came forward representing the petitioner Mr. Waibel. He stated that the section of county ditch indicated on the map was planned to be abandoned as County property and converted to private ownership. The petitioners have signed a Drainage Tile and Easement Agreement that was submitted with the petition.

Chair Kolars invited Mr. Mark Behrends forward to provide additional comment. Mr. Behrends has worked on redetermination benefits for the majority of ditches in Nicollet County. Landowner benefits are currently being reviewed and this would be a good time to complete a partial abandonment.

The floor was opened for public comments related to CD 30A. No public comments were received and commenting was closed. Commissioner Morrow stated that the items presented clearly show that the portion of CD 30A does not serve a substantial or useful benefit to the drainage system. Following his comment, Commissioner Morrow motioned for acceptance of the petition. Commissioner Zins seconded the motion, and it was carried on a roll call vote with all voting in favor.

At this time, Chair Morrow motioned to take a brief recess before opening the Public Hearing at 10:30 a.m. The motion was seconded by Commissioner Dehen.

Continued CD77 Lateral 2 Final Acceptance Hearing

Chair Kolars opened the final acceptance hearing at 10:30 a.m. Director Kopet came forward to provide background information on the project. Mr. Brandel provided a presentation highlighting the remaining project issues. The first issue was whether the original bid required disconnecting the tile. Mr. Brandel stated that the tile was disconnected at the road as stated in the bid, but there was no language included about crushing the tile on the Waibel property. The second issue was regarding the large rocks Mr. Gieseke reported in the project area on his property. Mr. Brandel stated that removal of rocks was a part of the project bid. The third issue was regarding the private tile outlets not being repaired. Mr. Brandel stated that a decision was made after initial discussions to not repair the private tiles due to cost. He also added that since the fix was not part of the contract, it was not the contractor's responsibility. He recommended closing the project with Jensen Excavating and opening a separate hearing if additional fixes are needed.

Mr. Waibel came forward at shared that the tile issue needs to be addressed, as some areas on his land are caving in and developing sinkholes. Al Schmidt of New Ulm also came forward to comment, stating that he believed it was the landowners' responsibility to fix once the county tile was abandoned. He also stated that he noticed water on the West side of the ditch that wasn't draining as he drove by the area, and it's an issue that needs to be remedied. Travis Domeier came forward to comment that the first tile picture shown was not in Nicollet County. Further, three of the tiles on the South side were reported to be replaced, but he disagreed and stated that they were not.

Director Greenwood came forward to provide additional comments. He reviewed all prior documentation and notes of the project with Mr. Henry and could not find any notes where ISG was directed to close the tiles. There were conversations with Jensen Excavating regarding the cost of this work, as it was much higher than originally expected. Emails and correspondences reflect the increased costs with the additional change orders, however Mr. Greenwood stated that the Drainage Authority could complete these fixes as a separate project. Mr. Brandel also added that he remembered discussions regarding cutting those specific items out of the project as a cost-saving measure.

Commissioner Morrow asked what the standard practice is for tile abandonment, and Director Greenwood stated that they are typically the landowner's responsibility once they are disconnected as they are no longer public property. Commissioner Zins asked if anything was

connected to the tile any longer or if water still flowed through it. Mr. Brandel commented that water can technically still flow through because it's not capped off, and there's still the potential for collapse since it's a large pipe. After reviewing the preconstruction meeting video, Director Kopet stated there was discussion that the tile would be capped and remain on the property, however no formal agreement was made regarding these details.

Commissioner Zins asked Ms. Kopet to elaborate on the repair costs Mr. Waibel mentioned. Director Kopet stated that the levy before the improvement project and future repair fund are combined to determine final cost. She stated that although Mr. Waibel does not have benefits in the improvement portion of the levy, he is still responsible for maintenance costs.

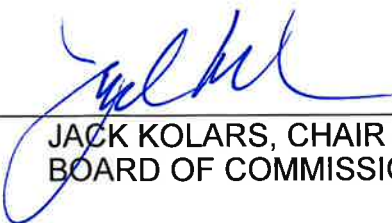
At this time, Commissioner Morrow provided a recap of all issues discussed. The first four issues were discussed extensively, and a fifth item regarding the flow of water on the East end of the project came up for discussion today. Chair Kolars invited Mr. Schmidt up to provide comments on the second issue. He stated that there are still rocks laying on the ditch slope.

Mr. Brandel offered to take drone pictures of all ditch outlets to see if there were remaining issues. He will also contact Mr. Gieseke to ask for documentation of the rocks on his property. Attorney Zehnder Fischer provided an additional summary, stating there are still questions that need answers before the Board could come to an informed decision. It would also allow for further consideration as to what items might be part of an improvement project versus a repair. Also, she provided clarification that the private tile outlets were originally included in the project in part because the ditch slope was also impacted by the project, so it was a causal relationship and not a separate issue. If they were individual issues, that would point to a different conclusion. This distinction would help inform the board of their direction to take for the next meeting.

A motion was put forth by Commissioner Dehen and seconded by Commissioner Dranttel to continue the CD 77 Lateral 2 Final Acceptance hearing on November 14, 2023 at 10:00 am. Motion carried with all voting in favor.

Adjourn

The meeting was adjourned at 11:40 a.m.



JACK KOLARS, CHAIR
BOARD OF COMMISSIONERS

ATTEST:



MANDY LANDKAMER,
CLERK TO THE BOARD