



**FEBRUARY 16, 2023**  
**OFFICIAL PROCEEDINGS OF THE**  
**DRAINAGE AUTHORITY**

The Nicollet County Drainage Authority met in special session on Thursday, February 16, 2023, at 11:00 a.m. Commissioners Jack Kolars, Terry Morrow, Marie Dranttel, Mark Dehen, and Kurt Zins were present. Also present were County Attorney Michelle Zehnder Fischer, Ditch Inspector Nate Henry, Property and Public Services Director Jaci Kopet, Attorney Roger Justin of Rinke Noonan Law Firm, and Mr. Chuck Brandel of ISG.

**County Ditch 86A Final Acceptance of Lametti & Sons, Inc. Contract**

Director Kopet came before the Board to present information regarding the CD86A project. On November 18, 2023, the Drainage Authority accepted the Final Engineer's and Viewer's Report for the CD86A improvement project. Project work was completed by Lametti & Sons, Inc. and the engineering firm ISG. The purpose of the hearing was to consider approval of the Final Acceptance Report by ISG.

Attorney Roger Justin of Rinke Noonan Law Firm offered additional information and clarification that today's hearing was only related to the final payments for Lametti & Sons, Inc. so the contract could be closed. He gave a background of some of the project difficulties that occurred as well as information on the litigation process between Lametti & Sons and Nicollet County.

Chuck Brandel of ISG approached the Board and shared additional project information. He recommends closing out the contract with Lametti & Sons, Inc. and providing final payment. He also addressed concerns about the pumps and stated they carry a 5-year warranty that won't go into effect until the official start-up this spring.

**Public Hearing Comments:**

At this time, Tim Waibel of Courtland came before the Board to share concerns regarding seepage due to the gate being too short. He was also upset over the poor quality of construction by Lametti & Sons, Inc. John Luepke, also of Courtland, spoke to the fact that the work could have been easily completed during the dry growing seasons. Lynn Fluegge also had many issues with the project, such as incorrect measurements and leakage. He was also concerned with the costs of these repairs and who would ultimately be responsible for this work in the future. Tim Gieseke of Brighton Township, also came forward to comment. He was in agreement with Tim, Lynn and John's comments and thanked them for sharing their concerns. He wanted to see more accountability in the project overall. Public commenting ended at 11:23 a.m.

**Other Comments:**

Attorney Justin shared a general overview of the mediation process. He stated that Lametti & Sons, Inc. were given the plans and their job was to build to those specifications. They completed the build according to the plans given. If the County refused to make the final payment, there would be a high likelihood of Lametti bringing forth litigation and the Drainage Authority potentially being responsible for paying all costs, including both sides' Attorney fees.

Gary Gieseke, a CD86A landowner, asked what guarantee landowners have that the work will be completed if Lametti is paid and the contract is closed out. Commissioner Morrow responded that as with any other projects, the costs would be borne by the Drainage system.

Chuck Brandel approached the Board to share a few more project issues that will need attention:

- Temporary dike and material downstream: it was part of negotiations and the plans called for the dirt to be spread out to a certain level, and his still needs to be completed
- 36-inch pipe has settled and he agrees it still needs to be fixed
- Defects in the prefabricated building
- Pumps: alternative designs were allowed for in the contract; although the pumps were less expensive, they should still function as expected and are covered by warranty

Mr. Brandel stated that the Drainage Authority and ISG have not determined what additional responsibilities ISG will be liable for, but it will be an ongoing conversation in the near future. Commissioner Morrow asked if the seepage at the gate was an installation or design problem, and Mr. Brandel stated that the gate wasn't installed per the plans so it looked like an installation issue. Mr. Brandel also spoke to the removal of rocks and installation of cement on the East side of the project, and he stated that the work has been addressed and was not a Lametti & Sons, Inc. issue.

At this time, Commissioner Kolars asked for any final public comments. Tim Gieseke commented that he didn't believe Lametti & Sons, Inc. spent too much time ordering the breakers, especially since they knew of the pandemic-related supply chain issues. Tim Waibel approached and stated that as landowners, they hired ISG to draw up the engineering plans correctly. Lynn Fluegge also came forward to state that future ditch cleanings should be Lametti's responsibility. Commissioner Zins asked Attorney Justin if he recommends acceptance of the mediation settlement and closing out the project with Lametti & Sons, Inc. Attorney Justin responded that it would be the most cost-effective option to accept at this time.

**Final Acceptance:**

Public commenting was closed and a short recess was taken at 11:57 a.m. to prepare the findings for the Final Acceptance Report. The meeting was called back into session at 12:18 p.m. Director Kopet approached the Board to ask for final acceptance of the Lametti & Sons, Inc. contract. Commissioner Morrow motioned and Commissioner Dranttel seconded to approve the findings and order for acceptance and payment for Lametti & Sons, Inc. The motion passed unanimously on a vote of 5-0.

**Adjourn**

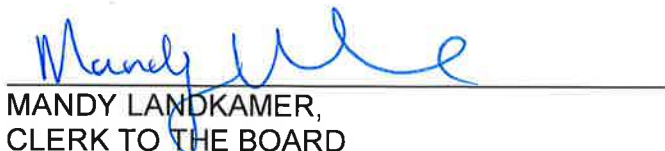
Commissioner Kolars adjourned the meeting at 12:25 p.m.



---

JACK KOLARS, CHAIR  
BOARD OF COMMISSIONERS

ATTEST:



---

MANDY LANDKAMER,  
CLERK TO THE BOARD