

OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY
May 19, 2020

The Nicollet County Drainage Authority met in special session on Tuesday, May 19, 2020 at 11:03 a.m. with Chair John Luepke presiding. Commissioners Marie Dranttel, Terry Morrow, Jack Kolars, Denny Kemp, and John Luepke were present. Also present were County Administrator Ryan Krosch, Recording Secretary Abigail Lewis and County Attorney Michelle Zehnder Fischer.

The meeting was held pursuant to Minnesota Statute 13D.021. There were no public comments submitted by email or phone. No members of the public requested to participate in the meeting by phone. The meeting was recorded and broadcast live online. Participating by phone were project viewers Bill Anderson and Ron Rinqvist and Project Engineer Joe Donkers from ISG. There were 12 members of the public in attendance.

Ditch 77 Lateral 2 Public Hearing

Chair Luepke opened the public hearing on the final engineering report (FER) for the CD 77 Lateral 2 improvement project. Public Services Manager Jaci Kopet provided opening remarks.

On September 9, 2017, a petition for the proposed improvement of Nicollet County Ditch #79 was presented to the Nicollet County Property & Public Services Department. The petition was reviewed by the Nicollet County Attorney Michelle Zehnder Fischer and approved by the Drainage Authority on October 24, 2017. Chuck Brandel, I & S Group, was appointed as engineer for the project and was instructed to draft an engineer's preliminary report.

The preliminary report was submitted to the Property & Public Services Department on October 18, 2018, and the public hearing was held December 18, 2018. Following the public hearing, the Drainage Authority ordered ISG to prepare the FER. Ron Rinqvist, Charles W Anderson, and Brad Wick were also appointed as viewers.

The final report was submitted to the Property & Public Services Department on January 21, 2020, and the public hearing was scheduled for March 24, 2020, at 10:00 a.m. Notice for this public hearing was given by:

- I. Mailed to all landowners March 5, 2020
- II. Posted March 5, 2020
- III. Publishing in the county newspaper March 5, 2020, March 12th, 2020 and March 19th, 2020

As a result of Minnesota Governor Tim Walz's Executive Orders related to the coronavirus pandemic and the closure of the Nicollet County Government Center, the public hearing scheduled for March 24, 2020, was continued until April 14, 2020. The Drainage Authority continued the public hearing from April 14, 2020, to May 19, 2020, due to the continued executive orders related to the pandemic and the closure of the Nicollet County Government Center.

Landowners have been notified by mail on the continuation of the meetings.

- I. On March 18^t, 2020, notice was given to landowners that the March 24, 2020, meeting will be continued to April 14, 2020
- II. On April 8, 2020, notice was given to landowners that the April 14, 2020, meeting will be continued to May 19, 2020.

III. On May 11, 2020, notice was mailed to all landowners that the May 19, 2020 meeting will take place either in person or through electronic means with an option for landowners to use a phone-in option depending on the status of the Governors Stay at Home Order related to the pandemic. Instructions were provided for the phone in option and ISG's presentation was mailed to landowners for their reference.

The purpose of today's public hearing was to review the FER, the viewer's reports, and take testimony from all parties to determine whether to proceed with the project or dismiss the petition.

Notice of the FER was provided to the Commissioner of Natural Resources. As per statute, Manager Kopet read the DNR letter verbatim.

Chair Luepke called upon Chuck Brandel to present the FER. Engineer Brandel presented the report and explained the history of the system, the system components, and the options for improving the system. Option 1 included a retention pond and Option 2 did not include the pond. Engineer Brandel explained how each Option would operate under conditions of 2, 5, and 10-year rain events and flood events. Engineer Brandel also responded to issues raised by the Commissioner of Natural Resources. Engineer Brandel noted that he proposed that the slope of the ditch improvement match the existing slope on the system instead of the 2:1 slope referenced by the Commissioner of Natural Resources.

Engineer Brandel noted specifications were added for the project to include water tight gaskets. Engineer Brandel also noted that the contractor will be required to finish all work and to clean the site every one-half mile along the project.

Engineer Brandel recommended the Drainage Authority approve Option 1 as set forth in the Engineer's Report.

Chair Luepke called upon Lead Viewer Ron Ringquist to present the viewers' report. Mr. Ringquist provided an overview of the determination of benefits and damages for the Improvement Project.

Chair Luepke opened the public portion of the hearing at 11:45 a.m.

Attorney Bruce Sellers, who represents the petitioners on this project, appeared before the Drainage Authority to note that the improvement project as proposed met the statutory requirements for an improvement project. He noted that the benefits of the project exceed the damages under either option set forth in the engineer's report. He asked that the Drainage Authority approve the Improvement Project.

Tim Waibel, a landowner from Courtland, appeared before the Drainage Authority to address his concerns on the calculation of damages to his land as the project will pass over his property. Mr. Waibel was specifically concerned about damages to his private tile lines. Engineer Brandel noted effort would be made to work around Mr. Waibel's tile lines. Mr. Waibel also expressed concern about the compensation allotted for the impact of the construction on the future productivity to his land. Mr. Waibel also asked about the impact the improvement may have on downstream properties. Engineer Brandel addressed and explained the function of the improvement.

Jim Gieseke, landowner from New Ulm, appeared before the Drainage Authority to note that his property is assessed into two separate systems. He asked that his property be assessed by one system or the another. Viewer Ringquist noted that property is assessed based on where the water flows and if water from a single property flows into more than one system this is accounted for in the determination of overall benefits.

Rick Franta, a landowner from Lafayette, appeared before the Drainage Authority to address his concerns about the water capacity downstream and flow concerns. Engineer Brandel noted that the improvement will result in the improved area having the same flow rate as the downstream system and further noted that the downstream culverts had the capacity to handle the water flow from the improvement.

Al Schmit, landowner from New Ulm, appeared before the Drainage Authority to provide an overview of why he began this project and why he is driving it forward. He noted that the existing tile that he wants replaced is not deep enough and that he has plowed up some of the tile because it lacks depth. Mr. Schmit noted that he wanted the same drainage coefficient for his property as exists for other parts of the system.

Joey Kral, a landowner from New Ulm, appeared before the Drainage Authority to address the cost of his assessment. Mr. Kral noted his benefits appear to be incorrect because they are the same for the improvement benefits as was determined for the redetermination of benefits. Viewer Ringquist then noted an error in the viewer's report.

County Attorney Michelle Zehnder Fisher noted that the Viewers should be given time to correct their report and the new reports should be given to landowners. Attorney Zehnder Fischer recommended that the Drainage Authority hear comment from those in attendance at the hearing, but then continue the hearing to a later date to allow for corrections to be provided by the viewers. The Drainage Authority agreed to continue with public comment, but to not close the meeting.

Tim Waibel reappeared before the Drainage Authority to address his concerns on damages and requested that the corrected report be provided prior to the continued hearing. Mr. Waibel stressed he would like this project to be done right so individuals can get water off their property. Mr. Brandel requested that Mr. Waibel allow him to assess his private tile locations. Mr. Waibel agreed to project the maps to Engineer Brandel.

Greg Simmet, landowner from New Ulm, appeared before the Drainage Authority to ask for verification of his land being a part of this project, as he stated his water does not flow into Lateral 2. Engineer Brandel agreed to review this before the next hearing.

The Drainage Authority then continued the public hearing to Tuesday, June 9, 2020 at 10:00 a.m. At that time, the public will again have a chance to comment and all landowners will receive updated information from Manager Kopet prior to the hearing.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to adjourn the meeting. The meeting adjourned at 1:05 p.m.

 5-26-2020

JOHN LUEPKE, CHAIR
DRAINAGE AUTHORITY CHAIR

ATTEST:



RYAN KROSCH
CLERK TO THE DRAINAGE AUTHORITY