



**JUNE 28, 2022**  
**OFFICIAL PROCEEDINGS OF THE**  
**NICOLLET COUNTY DRAINAGE AUTHORITY**

The Nicollet County Drainage Authority met in regular session on Tuesday, June 28, 2022, at 10:00 a.m. with Chair Dranttel presiding and Commissioners Terry Morrow, John Luepke and Jack Kolars present. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer, and Recording Secretary Sarah Frahm.

**Approval of Agenda**

Motion by Commissioner Luepke 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 Luepke to approve the consent agenda items as follows: approval of the June 14, 2022 Drainage Authority minutes. Motion carried with all voting in favor.

**Public Appearances**

There were no public appearances.

**CD79 Continued Public Hearing on the Final Acceptance of the Improvement Project**

Director Kopet appeared before the Board to give background on the CD79 project. On December 17, 2019 the Drainage Authority accepted the Final Engineer's Report and the viewer's reports for the determination pertaining to the improvement project to CD79. On April 28, 2020, the construction bid was awarded to Molnau Trucking, LLC. ISG, the engineer on the project, submitted their Final Acceptance Report in December 2021. The hearing was originally scheduled for February 8, 2022 at 10:00 am. At that time, the Drainage Authority requested a continuance of the hearing to March 8, 2022 at 10:00 a.m. to obtain more information from ISG as a result of landowners' concerns. At the March 8, 2022 hearing, it was determined that additional information was needed to officially close this project. The public hearing was again continued to June 28, 2022 at 10:00 a.m. to allow time for the wet areas on the property to dry out so additional measurements could be taken on the property of Ron Cordes.

Chuck Brandel, Senior Engineer at ISG, shared his Final Acceptance Report to the Board for review. He stated that Molnau Trucking completed the project according to the original plan. He went over the final amount to be paid to Molnau for the project completion. Next, he discussed the work that had been done throughout the project. After completion of the project, he stated that Mr. Cordes had brought up grading issues on the East side of his lot adjacent to the ditch. An ISG technician came out to Mr. Cordes' property after the snow had melted and completed a survey of the berm, grading area, and slope to the riprap overflow. According to Mr. Brandel, material was taken out of the ditch and placed alongside it, which he stated was standard design. He mentioned that spreading material out and leveling it off would be an additional estimated cost of \$4,100. He reached out to two or three contractors via telephone, but did not have any success finding a contractor to take the project due to its small size.

**Public Comments:**

The public comment period opened at 10:12 a.m. Ron Cordes approached the Board and stated that when he originally purchased the property years ago, he paid someone to come out and level off the small berm alongside the ditch. He went to all meetings regarding this project and did not recall hearing about a spillway being built. He stated that he was told numerous times that the dirt would be leveled off, but the material was placed alongside the ditch instead. Also, he mentioned that in the original plans, the spoils were going to be placed onto a neighbor's property, but Mr. Cordes told them that he wanted the dirt to stay on his land.

Commissioner Morrow addressed Mr. Brandel and asked if he felt Molnau completed the work according to the plans, to which he replied yes. Mr. Brandel also stated once again that standard ditch practice when doing cleanings is to pile material into the easement area. He also noted that there was a positive overflow where water could get out, however he did note that ISG could have done a better job in taking the landowners' needs into consideration.

At 10:33 a.m., Commissioner Morrow motioned for a five-minute recess and Commissioner Luepke seconded. Once the meeting reconvened, Commissioner Morrow clarified that the problem did not seem to be Molnau's issue, and refusing to close the contract with them didn't feel right. There was additional discussion about how the dirt would get leveled off, as well as who would be responsible for the cost.

At this time, Director Kopet approached the Board to share the Drainage Authority minutes from the June 30, 2020 meeting, in which both ISG and Ron Cordes were in attendance. At that meeting, Mr. Cordes had questioned the fill along the ditch and had asked to "flatten it out, and go out as far as necessary." Also in the record was Mr. Brandel replying that this "would be fine with him and it should be fine with Molnau Trucking."

Commissioner Morrow began a discussion regarding the options available going forward. The main issue is cost and who will be paying for the work of leveling off the dirt. According to the meeting record, Mr. Cordes was informed by ISG that the dirt would be leveled off, therefore ISG would be responsible for the cost. Mr. Brandel stated that he would be willing to find a way to resolve this.

Attorney Zehnder Fischer shared her recommendation to close the project so Molnau Trucking can be paid for the work they have completed as per the plan specifications. Attorney Zehnder Fischer's second recommendation is to have ISG put together a proposal for how the remaining work will be completed, as well as an allocation for damages, seeding, and any other associated costs for the Board to consider.

Commissioner Morrow made a motion to accept the Molnau Trucking project as completed so the final payment can be made. He also motioned for a continuation of the project until the next meeting on July 12, 2022 to allow ISG to present a plan for finishing the remaining work as well as provide an allocation for associated project costs. Commissioner Luepke seconded the motion and it was passed on a roll call vote.

**Adjourn**

Motion by Commissioner Morrow and seconded by Commissioner Luepke to adjourn the Drainage Authority Meeting. Motion carried with all voting in favor.

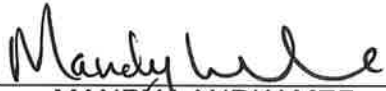
Chair Dranttel adjourned the meeting at 10:55 a.m.



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MARIE DRANTTEL, CHAIR  
BOARD OF COMMISSIONERS

ATTEST:



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MANDY LANDKAMER,  
CLERK TO THE BOARD