

OFFICIAL PROCEEDINGS OF THE  
NICOLLET COUNTY DRAINAGE AUTHORITY  
July 21, 2020

The Nicollet County Drainage Authority met in special session on Tuesday, July 21, 2020 at 8:30 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 broadcasted live online. Participating by phone was project viewer Ron Rinquist. There were 8 members of the public in attendance.

**Public Hearing on Ditch 77 Lateral 2 to Correct Original Benefits**

At 8:30 a.m., Chair Luepke opened the public hearing on the to correct a limited error in the redetermination of benefits report. Public Services Manager Jaci Kopet provided opening remarks.

On June 19, 2020, there was a public hearing for the pending improvement project for CD77 Lateral 2. At that hearing, it was determined that the redetermined benefits that were approved on July 9, 2019 were incorrect for two owners: Al Schmit, Larry Seibel, and Doug and Paulette Kral.

Notice for this public hearing was given by:

- I. Mailed and posted on June 29, 2020
- II. Published in the county newspaper July 2, July 9 and July 16, 2020.

The purpose of today's public hearing was to decide if the previously adopted efficient ratings set forth in the redetermination of benefits report should be corrected.

Chair Luepke called upon viewer Ron Rinquist to present the corrected report. Viewer Rinquist provided an overview of the changes made to the benefits report.

Chair Luepke opened the public portion of the hearing at 8:35 a.m. Chair Luepke called for public comment and with no public comment closed the public portion of the meeting at 8:35 a.m.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the corrected redetermination report. Motion carried with all voting in favor on a roll call vote. County Attorney Michelle Zehnder Fischer will prepare the findings to provide at the next regularly scheduled Drainage Authority meeting to take place on July 28, 2020.

**Continued Public Hearing on Ditch 77 Lateral 2 for the Final Engineers Report**

At 8:45 a.m., Chair Luepke opened the continued public hearing on the final engineering report (FER) for the CD 77 Lateral 2 improvement project. Public Services Manager Jaci Kopet provided opening remarks.

Kopet stated that this is a continued hearing from June 9, 2020. At that hearing, it was discovered that there was an error in the redetermination of benefits report previously

adopted by the Drainage Authority on July 9, 2019. The consensus of the Board was to continue the hearing on the FER to allow for the error to be corrected.

Notice for the first public hearing on the FER was given by:

- i. Mailed to all landowners March 5, 2020
- ii. Posted March 5, 2020
- iii. Published in the county newspaper March 5, March 12 and March 19.

On June 29, 2020, a letter was also sent to landowners for today's hearing. As a result of the Executive Orders 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 and the closure of the Nicollet County Government Center.

Landowners were notified by mail on the status of the public hearing as follows:

- i. On March 18, 2020, notice was given to landowners that the March 24, 2020 hearing was continued to April 14, 2020.
- ii. On April 8, 2020, notice was given to landowners that the April 14, 2020, hearing was 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 with a phone in option depending on the status of the Governor's Stay at Home Order. Instructions were provided for the phone in option and ISG's presentation was mailed to all landowners for reference if they used the phone option. Since the Stay at Home Order expired, landowners were permitted to attend the hearing in person with social distancing in place. The phone in option is also available for anyone that wanting to appear in person. Landowners on the phone were allowed public comment during the hearing.
- iv. At the May 19, 2020, hearing, an error was discovered in the viewer's report. As a result, the public hearing was continued until June 9, 2020.
- v. At the June 9, 2020, hearing, an error was discovered in the redetermination of benefits report previously adopted by the Drainage Authority on July 9, 2019. The Board determined it appropriate to continue the public hearing to allow for the error to be corrected and to allow for notice to landowners of the error correction.

The purpose of today's public hearing is 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. The Commissioner of Natural Resources report was previously read during the May 19, 2020 hearing.

Chair Luepke called upon Engineer Chuck Brandel from ISG to continue his presentation on the improvement project. Engineer Brandel provided an overview of the FER. Engineer Brandel provided two options for the project and is recommending option one to the Board. This project remains cost effective based on completed corrections from previous hearings.

Chair Luepke then called upon Ron Rinqvist to outline the changes to the viewer's report. Viewer Rinqvist noted that his changes reflected to the adoption of the new

redetermination of benefits report and prior corrections to the determination of benefits report. The total improvement benefits for the improvement project is \$275,983.70.

At 9:02 a.m., Chair Luepke opened the public comment portion of the meeting.

Tim Wiebel, landowner in Nicollet County, appeared before the Board to address the compensation for his property. Mr. Wiebel inquired about the project starting timeline. Engineer Brandel stated once the project is approved there is a 30 day appeal timeline. Ideally, a November project would be the perfect timeline, but it is sometimes difficult to get a contractor to build and have the availability to complete the project in the fall. Engineer Brandel addressed the question in regards to the compensation for damages to Mr. Wiebel's property.

Al Schmit, landowner in New Ulm, appeared before the Board to provide his support for option one on this improvement project.

Manager Kopet brought forth one additional correction to written materials provided to the Board regarding the benefits derived from the project. The numbers were correctly stated in the materials sent to the landowners.

With no further public comments Chair Luepke closed to the public comment portion of the meeting at 9:18 a.m.


Motion by Commissioner Morrow and seconded by Commissioner Kemp to approve option one of the improvement project as presented. Motion carried with all voting in favor on a roll call vote.

Attorney Zehnder Fischer will draft the findings for the Board to consider at the next meeting on July 28, 2020.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to adjourn the meeting. The meeting adjourned at 9:26 a.m.

  
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JOHN LUEPKE, CHAIR  
DRAINAGE AUTHORITY CHAIR

ATTEST:

  
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RYAN KROSCH  
CLERK TO THE DRAINAGE AUTHORITY