

Nicollet County Board of Commissioners Meeting



June 22, 2021

Nicollet County Government Center 501 South Minnesota Avenue, St. Peter, MN 56082

Commissioners – Terry Morrow, Chair; Jack Kolars; Marie Dranttel; Denny Kemp; John Luepke

NOTICE REGARDING NICOLLET COUNTY BOARD OF COMMISSIONERS MEETING AND DRAINAGE AUTHORITY MEETING

JUNE 22, 2021

9:00 A.M.

**NICOLLET COUNTY GOVERNMENT CENTER BOARD ROOM
501 SOUTH MINNESOTA AVENUE
ST. PETER, MN**

Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations and guidance about limiting unnecessary person-to-person contact, the June 22, 2021 Nicollet County Board meeting and Drainage Authority meeting will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means. County Board and Drainage Authority members will participate by telephone or other electronic means.

How members of the public can participate in the meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/82628810073?pwd=MXIFU2dWRm1XTm9pMjVPa1RNVzJsUT09>

Meeting ID: 826 2881 0073

Passcode: 639372

Mobile

+13017158592,,82628810073#,,,,*639372# US (Washington DC)

+13126266799,,82628810073#,,,,*639372# US (Chicago)

The meeting can also be viewed at www.co.nicollet.mn.us/642/County-Board-Meeting-Videos. A copy of the meeting agenda and packet is available at www.co.nicollet.mn.us/AgendaCenter/Board-of-Commissioners-3.

Questions or comments regarding agenda items and viewing or listening to the meeting can be directed to Mandy Landkamer, Interim County Administrator, at 507-934-7204 or mandy.landkamer@co.nicollet.mn.us.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

**Leadership. Efficiency. Accountability.
Innovation. Integrity.**

Mission Statement

Providing efficient services with innovation and accountability

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Commissioners – Terry Morrow, Chair; Jack Kolars; John Luepke; Marie Dranttel; Denny Kemp

9:00 a.m. Call Board of Commissioners Meeting to Order: Chair Morrow

1. Flag Pledge
2. Silence Your Cell Phones and Mute Microphones
3. Meeting Notice – MN Statute 13D.021
4. Approval of Agenda

Consent Agenda

1. [Approval of June 8, 2021 Board Minutes](#)
2. [Approval of June 14, 2021 CBAE Minutes](#)
3. [End of Probations](#)
4. Approval of Bills

Public Appearances

9:05 a.m. Public Works

1. [Consider Award of 2021 Highway Striping Project](#)

9:15 a.m. County Attorney's Office

1. [Victim/Witness Coordinator Grant Renewal](#)

9:30 a.m. Administration

1. [Critical Position Review Committee Recommendation](#)

9:40 a.m. Human Resources

1. **This portion of the meeting is closed for labor negotiations pursuant to MN Statutes Chapter 13D.03.**
2. [Approval of Licensed Union Contract for 2021](#)

9:55 a.m. County Attorney Update

Chair's Report

Commissioner Committee Reports

Commissioners Meetings & Conferences

Approve Per Diems and Expenses

Adjourn Board of Commissioners Meeting

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Continued Commissioners – Terry Morrow, Chair; Jack Kolars; John Luepke; Marie Dranttel; Denny Kemp

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- 10:00 a.m.** Call Drainage Authority Meeting to Order: Chair Morrow
Drainage Authority Agenda Items
1. Consent Agenda
 - a. Approval of June 8, 2021 Drainage Authority Minutes
 2. CD48A Public Hearing for Reestablishment of Records
- Adjourn Drainage Authority Meeting

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Continued Commissioners – Terry Morrow, Chair; Jack Kolars; John Luepke; Marie Dranttel; Denny Kemp

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Notice of Scheduled Meetings

The following is a notice of scheduled meetings. Pursuant to Minnesota Statute 13D.04, this notice of meetings also serves as notice of regular and special meetings of the Nicollet County Board of Commissioners. Meetings with a quorum of Nicollet County Board of Commissioners expected to attend is noted with an asterisk (*).

NOTICE REGARDING NICOLLET COUNTY MEETINGS DURING THE COVID-19 PANDEMIC
Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations, these and future Nicollet County meetings will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means.

Questions or comments regarding any Nicollet County meeting and requests to participate in any meeting can be directed to Mandy Landkamer, Nicollet County Interim Administrator, at 507-934-7204 or mandy.landkamer@co.nicollet.mn.us.

June 16 – Region 9 Development Commission, Full Commission Meeting
June 21 – Board of Adjustment and Appeals/Planning & Zoning Advisory Commission Meeting, 7 p.m., Nicollet County Board Room, St. Peter*
June 22 – County Board of Commissioners Meeting, 9 a.m., Virtual Meeting*
June 22 – County Drainage Authority Meeting, 9 a.m., Virtual Meeting*
June 24 – BNCHB Executive Committee Meeting, 8:15 a.m., Virtual Meeting

July 1 – Highway 169 Coalition Meeting
July 5 – Mankato Rehabilitation Center
July 13 – County Board of Commissioners Meeting, 9 a.m., Virtual Meeting*
July 13 – County Drainage Authority Meeting, 9 a.m., Virtual Meeting*
July 14 – SWCD Board Meeting, 8:30 a.m.
July 19 – Board of Adjustment and Appeals/Planning & Zoning Advisory Commission Meeting, 7 p.m., Nicollet County Board Room, St. Peter*
July 20 – Individual Department Head Meeting with Human Resources, 8:15 a.m., Virtual Meeting*
July 20 – County Board Workshop, 9:30 a.m., Virtual Meeting*
July 27 – County Board of Commissioners Meeting, 9 a.m., Virtual Meeting*
July 27 – County Drainage Authority Meeting, 9 a.m., Virtual Meeting*

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OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS FOR
NICOLLET COUNTY, MINNESOTA
JUNE 8, 2021

The Nicollet County Board of Commissioners met in regular session on Tuesday, June 8, 2021, at 9:00 a.m. Commissioners Terry Morrow, Denny Kemp, Jack Kolars, Marie Dranttel, and John Luepke were present. Also present were Interim County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer and Recording Secretary Abigail Lewis.

The meeting was held via teleconference pursuant to Minnesota Statute 13D.021 due to the coronavirus pandemic. Zoom meeting technology was used to conduct the meeting. Chair Morrow, Interim County Administrator Mandy Landkamer and Recording Secretary Lewis were in attendance at the County Board Room. All others participated via Zoom. The meeting was also video recorded.

Approval of Agenda

Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the agenda. Motion carried with all voting in favor on a roll call vote.

Consent Agenda

Motion by Commissioner Luepke and seconded by Commissioner Kemp to approve the consent agenda items as follows: May 25, 2021 Board Meeting minutes, 2021 State of Minnesota DNR Boat and Water Safety Grant, Fraud Prevention Investigation (FPI) Grant Renewal, and approval of the Commissioner Warrants as presented for the following amounts: General Revenue Fund - \$23,378.36, Road & Bridge Fund - \$11,910.13, Human Services Fund - \$88,611.19 and acknowledge review of the Auditor's Warrants. Motion carried with all voting in favor on a roll call vote.

Public Appearances

There were no public appearances.

Public Works

Motion by Commissioner Luepke and seconded by Commissioner Kemp to approve the Geotechnical/Hydraulic Engineering Proposal for CSAH 23 Ravine Erosion with correction to Addendum A to be re-titled Nicollet County CSAH 23 Ravine & Roadway Embankment Stabilization & Slope Distress Contract of the packet, and authorize Director Seth Greenwood to sign the proposal. Motion carried with all voting in favor on a roll call vote.

Administration

Motion by Commissioner Kolars and seconded by Commissioner Kemp to accept the proposal from David Drown Associates for the County Administrator job search posting. Motion carried with all voting in favor on a roll call vote.

Motion by Commissioner Kolars and seconded by Commissioner Luepke to establish the American Rescue Plan Committee and nominate Commissioners Morrow and Kemp to serve on the newly established committee. Motion carried with all voting in favor on a roll call vote.

County Attorney

County Attorney Michelle Zehnder Fischer shared road statistics provided from Towards Zero Deaths and urged safe travels for all.

Directors provided updates on their respective departments.

Commissioner Committee Reports

The Commissioners reported on various meetings and activities including:

Chair Morrow

Congratulated County Attorney Michelle Zehnder Fischer on her 2020 FBI Directors Award.

Commissioner Marie Dranttel

- Brown Nicollet Community Health Board Executive Meeting
- Broadband Meeting
- Nicollet Ditch Meeting
- Region 9 Board of Directors
- One Water One Plan
- Extension Meeting

Commissioner Denny Kemp

- Statewide Emergency Communications Finance Committee
- South Central EMS Board
- Broadband Meeting
- MRCI Finance Committee
- MRCI Board Meeting

Commissioner Jack Kolars

- Traverse des Sioux Finance Meeting
- MAPO

Commissioner John Luepke

- ISG Road Tour
- Extension Meeting

Approve Per Diems and Expenses

Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the expenses and per diems for the meetings noted above during the Commissioner Reports and/or as submitted on approved expense reports, and

authorize payment of those expenses and per diems by the Finance Office. Motion carried with all voting in favor on a roll call vote.

Adjourn

Motion by Commission Luepke and seconded by Commissioner Kemp to adjourn the meeting. Motion carried with all voting in favor on a roll call vote. The meeting adjourned at 10:06 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

JACI KOPET
CLERK TO THE BOARD

**OFFICIAL PROCEEDINGS OF THE
BOARD OF APPEAL AND EQUALIZATION
COUNTY OF NICOLLET
June 14, 2021**

The official meeting of the Nicollet County Board of Appeal and Equalization was called to order at 6:30 p.m. at the Government Center in St. Peter, Minnesota on Monday, June 14, 2021. Those present were Commissioners Marie Dranttel, Jack Kolars, John Luepke and Terry Morrow. Also present were Interim County Administrator Mandy Landkamer, Recording Secretary Sarah Frahm, Public Services Manager Jaci Kopet, County Assessor Lorna Sandvik, and Chief Deputy Assessor Bridget Olson.

Interim County Administrator Mandy Landkamer administered the Oath of Office to Commissioners Dranttel, Kolars, Luepke, Morrow and Public Services Manager Kopet.

Pursuant to Minnesota Statute 274.135, at least one member of the Board of Appeals and Equalization must have received training and certification in the Minnesota Department of Revenue Appeals and Equalization course. Public Services Manager Jaci Kopet has completed the training and is certified.

Chair Morrow called the meeting to order. The purpose of the meeting was for citizens to appear before the Board of Appeals and Equalization to express concerns about and appeal their assessed valuations and/or classifications. Chair Morrow also noted that decisions on issues presented at the meeting may be made at a later time or date.

Appeals

Nicholas & Jenna Peterson, 37466 651st Ave., New Ulm (13.741.0045)

County Assessor Sandvik presented a valuation appeal letter and a copy of a recent refinance appraisal that was sent to her on June 14 via email from Jenna Peterson for property located at 37466 651st Ave., New Ulm (13.741.0045).

Joshua & Amanda Krenz, 71831 County Road 21, Fairfax (11.105.0300)

Joshua Krenz appeared before the board to request a decrease in the estimate market value for property located at 71831 County Road 21, Fairfax (11.105.0300). Due to changing FEMA flood map, the home is now located within the 500-year flood line. Basement floods often- concrete flooring and bare wall partitions. Mr. Krenz stated that he was informed by Planning & Zoning that if the house was destroyed, he would not be able to rebuild. The proposed 2021 estimated market value of the house and garage currently reflects a 5% reduction due to the FEMA flood designation.

Assessor Recommendations

George & Karyl Putnam, 440 Lafayette Ave., Lafayette (15.891.0130)

Based on interior inspection of the home, the County Assessor recommends reducing the 2021 proposed estimated market value from \$178,000 to \$166,100.

Clair Gieseke, 58325 Fort Rd, new Ulm (06.104.0520)

The County Assessor recommends clarification of Local Board of Appeal and Equalization action changing the 2021 classification on 10 acres of site land and the garage from Rural Vacant Land to Residential Homestead.

D & T Holdings LLC, 41310 490th St., North Mankato (01.017.0905)

The County Assessor recommends increasing the 2021 proposed estimated market value from \$277,500 to \$326,000.

Paulette Messerli, 350th St., Lafayette (06.004.0520)

The County Assessor recommends increasing the 2021 proposed estimated market value from \$556,000 to \$585,100.

Motions

The Board discussed the appeal requests and Assessor recommendations and made the following motions:

Motion by Commissioner Kolars and seconded by Commissioner Dranttel to affirm the value for the Nicholas & Jenna Peterson property located at 37466 651st Ave., (13.741.0045) with no change. On a vote, motion carried 5-0 with all Commissioners and Public Services Manager voting yes.

Motion by Commissioner Luepke and seconded by Commissioner Dranttel (for discussion) to reduce the value for the Joshua & Amanda Krenz property located at 71831 County Road 21 (11.105.0300) by \$5,000 to \$228,000. On a vote, motion failed 4-1 with Commissioner Luepke voting yes and Commissioners Morrow, Kolars, Dranttel and Public Services Manager Kopet voting no.

Motion by Commissioner Luepke and seconded by Commissioner Kolars to reduce the value for the Joshua & Amanda Krenz property located at 71831 County Road 21 (11.105.0300) by \$2,200 to \$230,800 to reflect removal of basement finish. On a vote, motion carried 4-1 with Commissioners Morrow, Kolars, Luepke and Public Services Manager Kopet voting yes. Commissioner Dranttel voted no.

Motion by Commissioner Kolars and seconded by Commissioner Luepke to approve the assessor's recommendation to reduce the proposed EMV for PIN 15.891.0130 owned by George & Karyl Putnam from \$178,000 to \$166,100. On a vote, motion carried 5-0 with all Commissioners and Public Services Manager voting yes.

Motion by Commissioner Kolars and seconded by Commissioner Luepke to approve the assessor's recommendation to clarify the Local Board of Appeal action and change the classification on 10 acres of site land and the garage from Rural Vacant Land to Residential Homestead for PIN 06.104.0520 owned by Clair Gieseke. On a vote, motion carried 5-0 with all Commissioners and Public Services Manager voting yes.

Motion by Commissioner Kolars and seconded by Commissioner Luepke to approve the assessor's recommendation to increase the proposed EMV for PIN 01.017.0905 owned by D & T Holdings from \$277,500 to \$326,000. On a vote, motion carried 5-0 with all Commissioners and Public Services Manager voting yes.

Motion by Commissioner Kolars and seconded by Commissioner Luepke to approve the assessor's recommendation to increase the proposed EMV for PIN 06.004.0520 owned by Paulette Messerli from \$556,000 to \$585,100. On a vote, motion carried 5-0 with all Commissioners and Public Services Manager voting yes.

With no further discussion of issues to come before the County Board of Appeal and Equalization, a motion was made by Commissioner Luepke and seconded by Commissioner Kolars to adjourn the meeting. On a vote, motion carried 5-0 with all Commissioners and Public Services Manager voting yes. Chair Morrow adjourned the meeting at 7:20 p.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

LORNA SANDVIK
COUNTY ASSESSOR

ATTEST:

JACI KOPET
CLERK TO THE BOARD

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: End of Probations	
Primary Originating Division/Dept.: Human Resources	Meeting Date: 06/22/2021
Contact: Whitney Krebs Title: Interim HR Director	Item Type: Consent Agenda (Select One)
Amount of Time Requested minutes	
Presenter: Whitney Krebs Title: Interim HR Director	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Facilities and Space - preserve, maintain and build our assets (Select One)	
BACKGROUND/JUSTIFICATION: Public Works Public Works Director Seth Greenwood has requested the end of probation for Cameron Grommersch, Heavy Equipment Operator, effective June 15, 2021, Bradley Fitzner, Heavy Equipment Operator, effective June 22, 2021, and Kyle Peterson, Shop Foreman/Heavy Equipment Operator, effective July 6, 2021.	
Supporting Documents: <input type="radio"/> Attached <input checked="" type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No	
If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED: Grant end of probationary status	
FISCAL IMPACT: Other (Select One) If "Other", specify	FUNDING County Dollars = Grant (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Consider Award of 2021 Highway Striping Project					
Primary Originating Division/Dept.: Public Works-Highway Contact: Seth Greenwood, P.E. Title: PWD/Co. Eng. Amount of Time Requested 10 minutes Presenter: Seth Greenwood, P.E. Title: PWD/Co. Eng.	Meeting Date: 06/22/2021 Item Type: Regular Agenda <small>(Select One)</small> Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No				
County Strategy: Facilities and Space - preserve, maintain and build our assets <small>(Select One)</small>					
BACKGROUND/JUSTIFICATION: Quotes will be opened on June 18, 2021 at 11AM for the 2021 Highway Striping Project. Bid results and a recommendation for action will be provided the day of the Board meeting. The 2021 Highway Striping Project re-stripes a portion of the paved county roads.					
Supporting Documents: <input type="radio"/> Attached <input checked="" type="radio"/> In Signature Folder <input type="radio"/> None					
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)					
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A					
ACTION REQUESTED:					
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify </td> <td style="width: 50%; vertical-align: top;"> FUNDING County Dollars = Grant <small>(Select One)</small> Total </td> </tr> <tr> <td colspan="2" style="padding-top: 10px;"> FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments: </td> </tr> </table>		FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify	FUNDING County Dollars = Grant <small>(Select One)</small> Total	FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments:	
FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify	FUNDING County Dollars = Grant <small>(Select One)</small> Total				
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments:					

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:													
Victim/Witness Coordinator Grant Renewal													
Primary Originating Division/Dept.: County Attorney's Office	Meeting Date: 6/22/2021												
Contact: Michelle Zehnder <input checked="" type="checkbox"/> Title: County Attorney	Item Type: Regular Agenda (Select One)												
Amount of Time Requested 15 minutes													
Presenter: Michelle Zehnder <input checked="" type="checkbox"/> Title: County Attorney	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No												
County Strategy: Financial Security - prudent use of taxpayer resources (Select One)													
BACKGROUND/JUSTIFICATION: <p>The full-time Victim/Witness Coordinator position is funded through a grant from the Office of Justice Programs. The current grant cycle ends September 30, 2021. The Request for Proposals to renew the grant for the full-time Victim/Witness Coordinator position was released on June 11, 2021, and the application is due July 12, 2021. This funding, if approved, would cover the time period of October 1, 2021 to September 30, 2023.</p>													
Supporting Documents: <input type="radio"/> Attached <input type="radio"/> In Signature Folder <input checked="" type="radio"/> None													
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No													
If "yes", when? (provide year; mm/dd/yy if known) 5/14/2019													
Approved by County Attorney's Office: <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A													
ACTION REQUESTED:													
<table border="0"> <tr> <td>FISCAL IMPACT: Included in current budget (Select One)</td> <td>FUNDING</td> </tr> <tr> <td>If "Other", specify</td> <td>County Dollars =</td> </tr> <tr> <td></td> <td>Grant 140,000 (Select One)</td> </tr> <tr> <td>FTE IMPACT: No FTE change (Select One)</td> <td>Total</td> </tr> <tr> <td>If "Increase or "Decrease" specify:</td> <td></td> </tr> <tr> <td>Related Financial/FTE Comments:</td> <td></td> </tr> </table>		FISCAL IMPACT: Included in current budget (Select One)	FUNDING	If "Other", specify	County Dollars =		Grant 140,000 (Select One)	FTE IMPACT: No FTE change (Select One)	Total	If "Increase or "Decrease" specify:		Related Financial/FTE Comments:	
FISCAL IMPACT: Included in current budget (Select One)	FUNDING												
If "Other", specify	County Dollars =												
	Grant 140,000 (Select One)												
FTE IMPACT: No FTE change (Select One)	Total												
If "Increase or "Decrease" specify:													
Related Financial/FTE Comments:													

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:		
Critical Position Review Committee Recommendation		
Primary Originating Division/Dept.: Administration	Meeting Date: 06/22/2021	
Contact: Mandy Landkamer Title: Interim County Admin	Item Type: Regular Agenda (Select One)	
Amount of Time Requested 10 minutes		
Presenter: Mandy Landkamer Title: Interim County Admin	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: Programs and Services - deliver value-added quality services (Select One)		
BACKGROUND/JUSTIFICATION: <p>Consideration of the recommendation of the Personnel Committee of the transition of the temporary position in the Public Services office to a full time position Administrative Support Assistant. Initially, the temporary staff person assisted with the 2020 election and stayed on to address the increased License Center transactions. A combination of the Real ID extension, the proximity to the metro area, and the "no appointment" requirement has increased all transactions, in addition to other factors.</p> <p>The addition of the atrium office area has been a benefit but also requires staffing and supports the goal of "One Stop Shop" in line with the creation of PPSD. The atrium staff provide the initial contact to all visitors and are able to provide immediate service to specific transitions, minimizing lines in others of the Government Center.</p>		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No		
If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Approval of the		
FISCAL IMPACT: NOT in current budget (Select One) If "Other", specify	FUNDING County Dollars = Other (Select One)	
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total	

Critical Position Review Request



SUBMIT THIS PART TO HUMAN RESOURCES AFTER SUBMITTING PART 1 "Vacancy Created Notification"

Department	Public Services
Position to be Reviewed	New Position
Position Previous Employee	N/A
Date Position Vacated	N/A
Review Requested By	Jaci Kopet, Public Services Manager

Requests by a Department Head for a Critical Position Review must be made in typewritten form, giving great attention to detail.

Information supporting the request for a Critical Position Review should be submitted to the Office of Human Resources on department letterhead attached to this 'Part 2' form.

In addition to other information submitted, the following questions and considerations must be addressed in the written report.

1. Describe in detail, the duties of this position.
2. Could this position, or its duties, be shared with other employees of the department or with employees of another department? (Job Sharing)
3. Could this position be reduced in hours? (20 to 30 hours per week)
4. Could filling this position be delayed? Explain
5. How is this position funded?
6. Is Nicollet County mandated to provide the services this position performed?
7. Why is it critical to the department that this position be filled?
8. Describe the impact on the citizens of Nicollet County if this position is not filled?
9. Conclusion

Department Head Signature	<i>Jaci Kopet</i>	Date: 6/11/21
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Effective:

Critical Position Review Request

1. Describe in detail, the duties of this position.

This would be an additional staff in my office to mainly work in the new atrium office. This position would work in the license center as well as property tax collections. Currently, a temp in our office has filled this position, but now I am seeing the need to have this position become full time. Not only does adding this position benefit our office, but it will also benefit other departments and act as an information center to help answer questions and direct people where to go in the courthouse.

When we created Property & Public Services, our goal was to create a "One Stop Shop" with all our departments. This would allow us to move in that direction. Additional cross training with our other PPSD departments would eliminate customers from going from office to office to try and find the answer to simple questions.

In addition, our license center has shown an increase in transactions for various reasons. The license center is one of the few county departments that generates revenue for the county. Each transaction we complete, the county retains fees for those transactions. Therefore, one of my goals as the supervisor is to market our license center to increase transactions. Our location is ideal to attract many customers from other counties, including the metro area. By providing good and efficient customer service, we can increase our traffic, therefore bringing in more revenue for the county.

This position would also assist in election years. On election years, the atrium office will be used for elections functions as well. I anticipate in the future that early voting will increase.

Finally, adding the atrium office has been so beneficial to our office and the customers love it, but that also requires staffing. Because of the nature of our work with money and motor vehicle inventory being in that location, it is important to have two people working down there for security reasons. My staff is not currently big enough to always accommodate that. I have been pulling staff from other areas in my department to cover the atrium office when we have one staff out of the office. This has affected the ability for those people to get their own work done.

I would be glad to visit with you and providing you more details and answer any questions.

2. Could this position, or its duties, be shared with other employees of the department or with employees of another department? (Job Sharing) No

3. Could this position be reduced in hours? (20 to 30 hours per week) No

4. Could filling this position be delayed? Explain No

At this time

5. How is this position funded? County Revenue

6. Is Nicollet County mandated to provide the services this position performed?

7. Why is it critical to the department that this position be filled? I have explained in question 1

8. Describe the impact on the citizens of Nicollet County if this position is not filled? I have also addressed this in the question 1. The customers love having the new atrium office. Customers are not intimidated to come into the courthouse when friendly staff is at the door to assist them.

9. Conclusion - Thank you for your consideration for this position. I do not take asking for new staff lightly. I know it is a financial impact for the county. I would not be asking if I did not think this position was needed or would be beneficial to the county as a whole. I look forward to talking to you more about this request.

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:	
Licensed Union Contract for 2021	
Primary Originating Division/Dept.: Human Resources	Meeting Date: 06/22/2021
Contact: Whitney Krebs Title: Interim HR Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested 15 minutes	
Presenter: Whitney Krebs Title: Interim HR Director	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: This portion of the meeting is closed for labor negotiations pursuant to Minnesota Statutes Chapter 13D.03 to discuss the Licensed Union Contract for 2021.	
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No	
If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED:	
Approve the Licensed Union Contract for 2021	
FISCAL IMPACT: No fiscal impact (Select One) If "Other", specify	FUNDING County Dollars = Grant (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total

OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY
JUNE 8, 2021

The Nicollet County Drainage Authority met in regular session on Tuesday, June 8, 2021 at 10:06 a.m. with Chair Terry Morrow presiding. Commissioners John Luepke, Jack Kolars, Marie Dranttel and Denny Kemp were present. Also present were Interim County Administrator Mandy Landkamer, Recording Secretary Abigail Lewis and County Attorney Michelle Zehnder Fischer.

The meeting was held via teleconference pursuant to Minnesota Statute 13D.021 due to the coronavirus pandemic. Zoom meeting technology was used to conduct the meeting.

Consent Agenda

Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the consent agenda items as follows: approval of the May 25, 2021 Drainage Authority minutes. Motion carried with all voting in favor on a roll call vote.

Adjourn

Motion by Commissioner Luepke and seconded by Commissioner Kemp to adjourn the Drainage Authority Meeting. Motion carried with all voting in favor on a roll call vote.

Chair Morrow adjourned the meeting at 10:07 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

JACI KOPET
CLERK TO THE BOARD

NICOLLET
COUNTY EST. 1853

Agenda Item: CD48A Public Hearing for Reestablishment of Records	
Primary Originating Division/Dept.: Public Services Contact: Jaci Kopet Title: Public Services Manager Amount of Time Requested 30 minutes Presenter: Jaci Kopet Title: Public Services Manager	Meeting Date: Item Type: Regular Agenda (Select One) Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: On September 22, 2020, the Drainage Authority ordered a Reestablishment of Drainage Records for CD48A, pursuant to Minnesota Statutes 103E.101, Subd. 4a. Chris Otterness, Houston Engineering Inc, was appointed as the engineer to prepare the report. On April 12, 2021, Chris Otterness submitted the final report to the Public Services Manger. Attached are the: Agenda for the Public Hearing Houston Engineering's Final Report The DNR's Response to the Final Report Chris Otterness, from Houston will be attending to present his report as well as Kurt Deter from Rinke-Noonan Law Office	
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Drainage Authority Action Taken on this Item: <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A	
ACTION REQUESTED: The Drainage Authority will make a decision to accept or reject the engineers report.	
FISCAL IMPACT: Other (Select One) If "Other", specify	FUNDING Drainage Authority Dollars = Grant (Select One) Total
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	

**BEFORE THE NICOLLET COUNTY BOARD OF COMMISSIONERS
ACTING AS DRAINAGE AUTHORITY FOR NICOLLET COUNTY DITCH #48A**

AGENDA

**Public Hearing on Reestablishment of Drainage System
June 22, 2021, 10:00 a.m.**

- I. Opening of Public Hearing – *Board Chairperson*
- II. Purpose of Hearing – *Kurt Deter & Michelle Zehnder Fischer*
- III. Record of Notice Requirements – *Jaci Kopet, Nicollet County Public Service Manager*
- IV. Engineer’s Investigation and Report of Findings for Reestablishment of Record – *Chris Otterness, Houston Engineering*
- V. Public Comment and Questions Concerning Reestablishment of Record
- VI. Possible Action by Drainage Authority:

Reestablishment of the Record for Nicollet County Ditch #48A if:

- 1) That the records establishing the alignment, cross-section, profile or right-of-way of the drainage system have been lost, destroyed or otherwise incomplete.
- 2) That the recommended reestablished drainage system records by a professional engineer is supported by existing records and evidence.

If drainage system records are reestablished, they constitute the official drainage system records for Nicollet County Ditch #48A.

Technical Memorandum

To: Nate Henry
Nicollet County

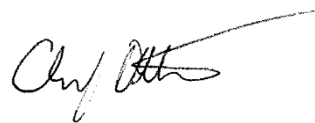
From: Chris Otterness, PE
Houston Engineering, Inc.

Subject: Reestablishment of Nicollet County Ditch
48A Public Drainage System Records

Date: April 7, 2021

Project: 6162-0007

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am duly Licensed Professional Engineer under the laws of the State of MN.



4/7/2021

Christopher Otterness
Reg. No. 41961

Date

INTRODUCTION

The purpose of this report is to provide Nicollet County with the results of the investigation and analysis of the Nicollet County Ditch 48A (CD 48A) public drainage system. CD 48A is an open channel ditch, which serves predominantly agricultural land, located in Granby Township. This report contains the necessary description of the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, elevations, and right-of-way of the drainage system to reestablish records, as requested by the Board of Commissioners. Minnesota Statute 103E.101 Subd. 4a allows for the drainage authority to reestablish records if, after an investigation of drainage system records, it is found that the records establishing the alignment, cross-section, profile, or right-of-way of a drainage system are lost, destroyed, or otherwise incomplete. The drainage authority may, by order, reestablish records defining the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system which define the "As Constructed and Subsequently Improved Condition" or ACSIC.

This report documents the investigation of drainage system records and physical investigation of the drainage system used by the engineer to recommend reestablished records to define the alignment, grade, and geometry as necessary to maintain the historic function of the drainage system. No other historical reviews or reviews of the as-constructed profile of this system are known to exist.

RELATIONSHIP TO DRAINAGE SYSTEM MAINTENANCE AND REPAIR

This memorandum establishes the ACSIC as the basis for future maintenance and repair of the public drainage system. A future repair report may include alternatives which adjust the elevation of the open channel and culverts consistent with the ACSIC. Additional actions such as realignment or abandonment of portions of the public system, or other similar modifications may also be considered and ultimately follow

procedures in MS 103E. The range of alternatives evaluated within a repair report is based in part on discussions with landowners and other interested parties.

DEFINITIONS

This memorandum defines the condition and therefore by inference the capacity (i.e. the existing flow rate in cubic feet per second) of the public drainage systems using three definitions:

As-Designed / Established Condition: The geometry of the public drainage systems as designed in 1908 including all subsequent designs for legal repairs and alterations. A repair or alteration is considered legal if formally authorized in legal proceedings. The details of the As-Designed / Established condition are relatively unknown due to the scarcity of the original design plan and profiles that identify the dimensions, lengths, and grade elevations. The As-Designed / Established Condition may or may not reflect the As-Constructed and Subsequently Improved Condition and is generally shown on construction plans and engineering drawings.

As-Constructed and Subsequently Improved Condition: The geometry of the public drainage system as constructed in 1908, including all subsequent legal repairs and alterations as well as other actions which maintain and are consistent with the general character and efficiency of the drainage systems. Often, survey data (and only rarely as-built drawings) show the alignment, grade and geometry (i.e., cross sectional area) of the existing public drainage system is altered from the As-Designed / Established Condition. The definition of As-Constructed and Subsequently Improved Condition (ACSIC) is intended to establish the condition to which the system can legally be repaired consistent with the definition in MS 103E.701, which states:

The term, "repair" means to restore all or a part of a drainage system, as nearly as practicable to the same hydraulic capacity as originally constructed and subsequently improved, including resloping of ditches and leveling of spoil banks if necessary to prevent further deterioration, realignment to original construction if necessary to restore the effectiveness of the drainage system, and routine operations that may be required to remove obstructions and maintain the efficiency of the drainage system. "Repair" also includes:

- (1) incidental straightening of a tile system resulting from the tile-laying technology used to replace tiles; and
- (2) replacement of tiles with the next larger size that is readily available, if the original size is not readily available.

Available records provide limited information regarding the originally constructed alignment, grade (profile), and geometry (cross-section) of CD 48A. Alterations to the public drainage system alignment, grade, and geometry from the As-Designed / Established Condition likely resulted from the use of less accurate survey methods and construction techniques than currently exist; inaccurate culvert and crossing installation; and a need to "fit" the drainage system to the existing topography. Alterations to the public drainage system that were not performed per the requirements of MS 103E (i.e., drainage law) or its predecessors are typically not considered part of the ACSIC. However, as the records are incomplete for nearly all

actions/proceedings related CD 48A, professional judgment is necessary to determine, based on the weight of evidence, which actions were most likely to have been legal completed to establish the ACSIC.

Repaired Condition: The condition to which the drainage authority repairs the public drainage system. If the capacity of the Repaired Condition exceeds the ACSIC, the work is considered an improvement under MS 103E and its predecessors. The County may decide for a variety of reasons to repair the public drainage system to some condition less than the As-Constructed and Subsequently Improved Condition.

Maintenance: There is no statutory distinction between the terms “maintenance” and “repair.” However, historically, drainage authorities have drawn a distinction between the two terms as a function of the scope of work performed for each. The primary difference between maintenance and repair is maintenance activities are generally completed at a select (more isolated) location or locations along portions of the public drainage system, rather than a drainage system-wide assessment, analysis, recommendation, or alteration that occurs in association with a repair proceeding.

Maintenance generally includes activities such as vegetation management, the removal of open channel and tile blockages (e.g., beaver dams, sediment), the replacement of tile ruptures, the installation of tile inlets and access manholes, the replacement of portions of a tile system, the stabilization and repair of slopes and spoil material, and the removal of sediment up to the repair condition. Maintenance also includes the resetting or resizing of culverts or other crossings which were inaccurately placed and result in the obstruction of the public drainage system. Maintenance activities are usually exempt from wetland permitting requirements under the Wetland Conservation Act and Section 404 of the Clean Water Act.

LOCATION, GENERAL DESCRIPTION AND HISTORY OF THE PUBLIC DRAINAGE SYSTEM

LOCATION

The Nicollet CD 48A public drainage system, shown in **Figure 1**, is located in Sections 2, 3, 10, 11, and 14 of Granby Township (T110N R28W), Nicollet County. CD 48A consists of a single Main Trunk. The Main Trunk generally flows from north to south. The ditch begins near the center of Section 2, flows generally from north to south through Duck Lake, and outlets into Middle Lake in the southeast 1/4 of Section 14.

The drainage area that contributes to the CD 48A public drainage system is approximately 1,820 acres (**Figure 2**) and is in Sections 2, 3, 9, 10, 11, 12, 13, 14, and 15 of Granby Township (T110N, R28W). The predominant land use in the drainage area is agricultural, and other land covers include an open-water lake, wetlands, and farmsteads. The 1908 Viewers Report identified 153 acres of benefitted land

on parcels totaling 1028 acres. The 1964 Redetermination of Benefits identified 800 acres of benefitted land on parcels totaling 1,000 acres. The locations of the benefitted parcels are shown in **Figure 2**.

EXISTING/CURRENT ALIGNMENT

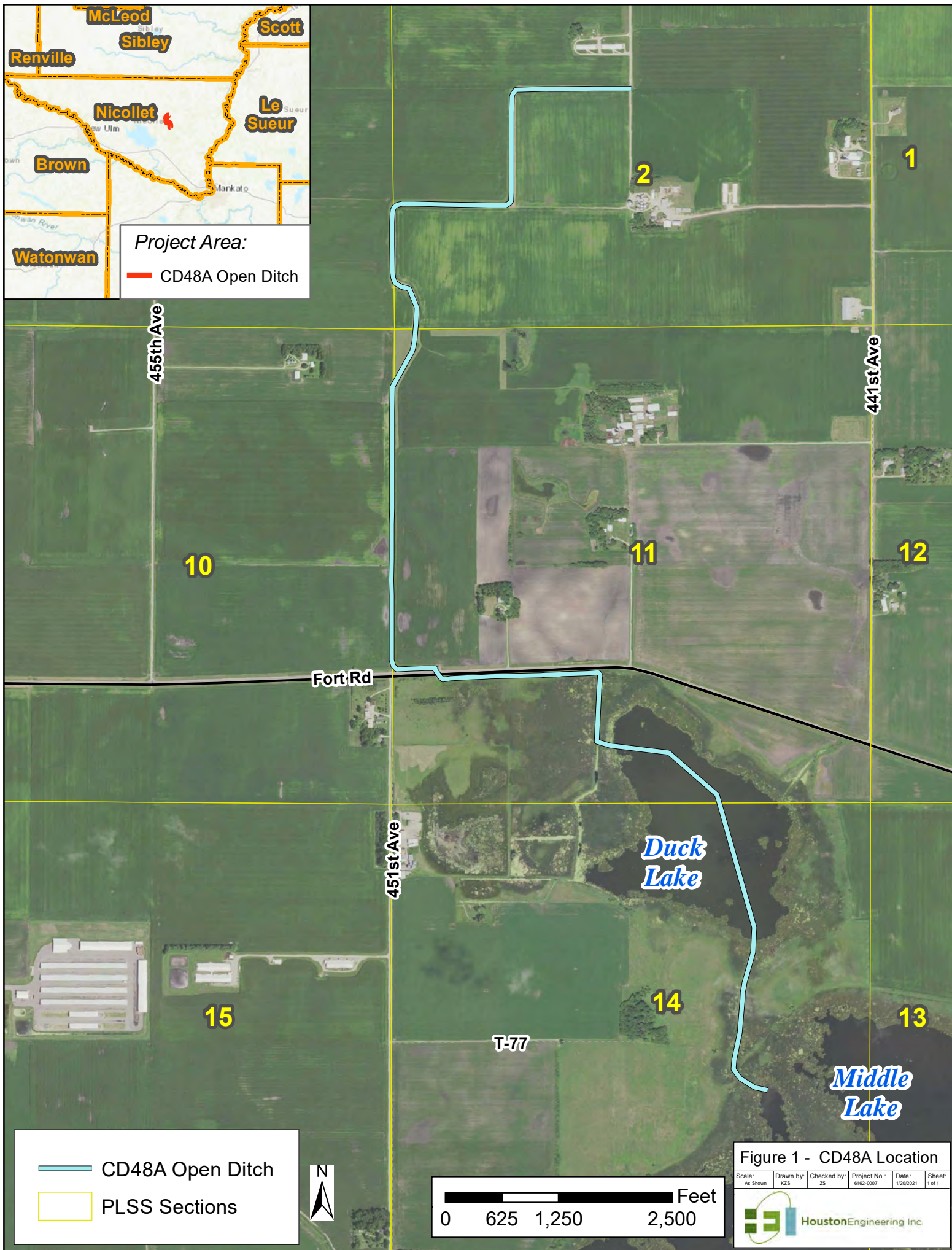
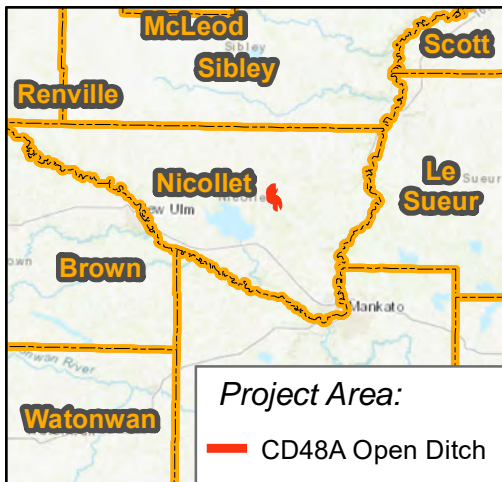
This portion of the memorandum describes the current condition of the public drainage system as observed “on-the-ground” (i.e., existing) as determined by a review of the available records, field survey, aerial imagery, and other available historical evidence. CD 48A consists entirely of an open channel ditch with four culvert crossings. The stationing used in this report to describe the alignment proceeds from downstream to upstream. **Attachment A** shows the system’s current alignment and project stationing. All references to stationing in this report refer to the stationing established in **Attachment A**.

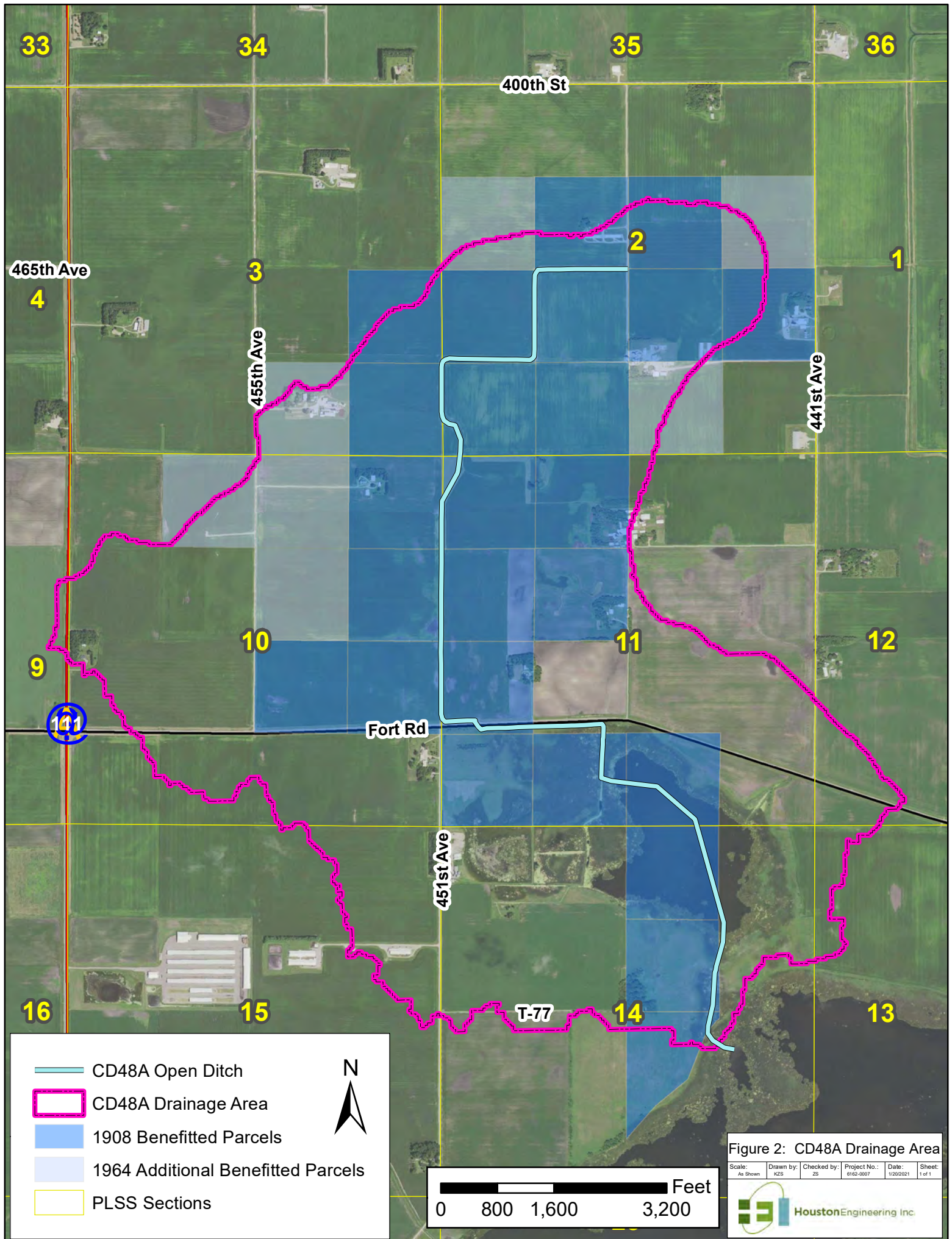
Main Trunk:

The downstream end of the Main Trunk alignment begins in the NE quarter of the SE quarter of Section 14 (T110N R28W) at Sta. 0+00, where it drains into Middle Lake. The alignment continues north through Duck Lake until it reaches Fort Road (CSAH 5) where the alignment turns west. It continues west, crossing under Fort Road via a culvert at Sta. 76+65 and continues until it reaches the border of Sections 10 and 11 (T110N R28W). At this point, the Main Trunk turns north and continues along the section border until Sta. 112+69, where the alignment curves northeast and then back northwest. Around Sta. 126+00, the alignment returns to the Section 10 and 11 border and continues north until Sta. 134+50, where the alignment turns east. It continues east until Sta. 147+00, where the alignment turns north and continues to Sta. 159+50. The alignment then turns east again and continues until the alignment ends at the SW corner of the NE quarter of Section 2 (T110N R28W) at Sta. 172+65.

SOURCE OF SURVEY DATA USED IN THIS ASSESSMENT

Survey data was collected in October of 2020 to determine the existing condition of the public drainage system. All survey data collected utilizes the Nicollet County Coordinate System and North American Vertical Datum 1988 (NAVD 88).

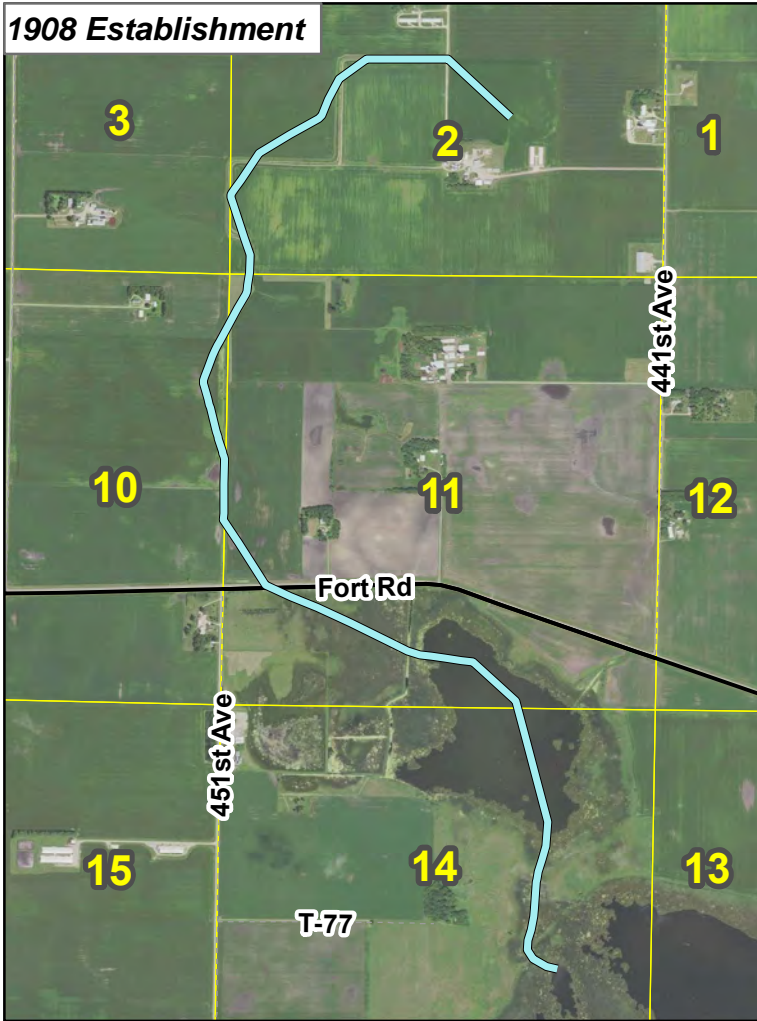




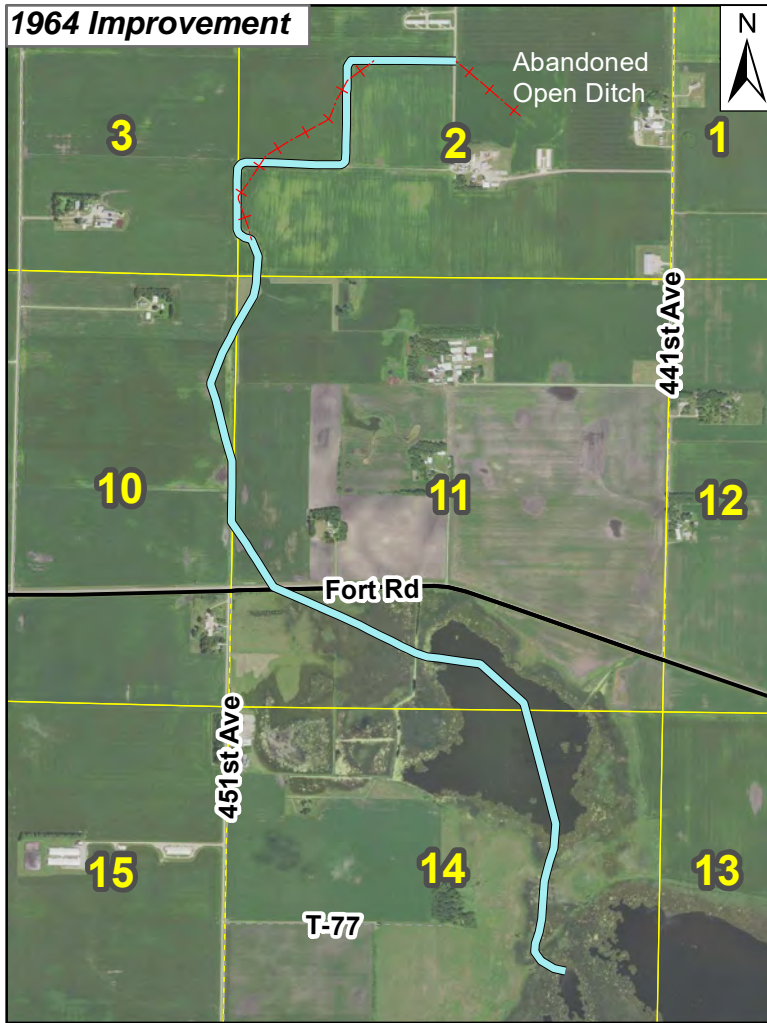
- 4) In 1993, the ditch was cleaned around current station 112+00 in response to a ditch bank washout.
- 5) In 1994, the ditch was cleaned from the upstream end to Fort Road.
- 6) In 1995, the upstream end of the ditch was cleaned in response to ditch bank washout and a culvert was installed.
- 7) In 2001, a ditch bank slide was cleaned around current station 112+00.
- 8) In 2012, a collapsed culvert around current station 124+00 was removed and the surrounding ditch area was cleaned.
- 9) In 2012, the ditch was cleaned from the upstream end to Fort Road.
- 10) In 2012, a field crossing was moved from approximately current station 123+00 to station 119+62 along the property line.
- 11) A repair was approved in 2015 to remove a beaver dam from the ditch alongside Fort Road.

Figure 3 shows the progression of the ditch alignment from the 1908 Establishment to the current alignment, including the changes made under petitioned actions.

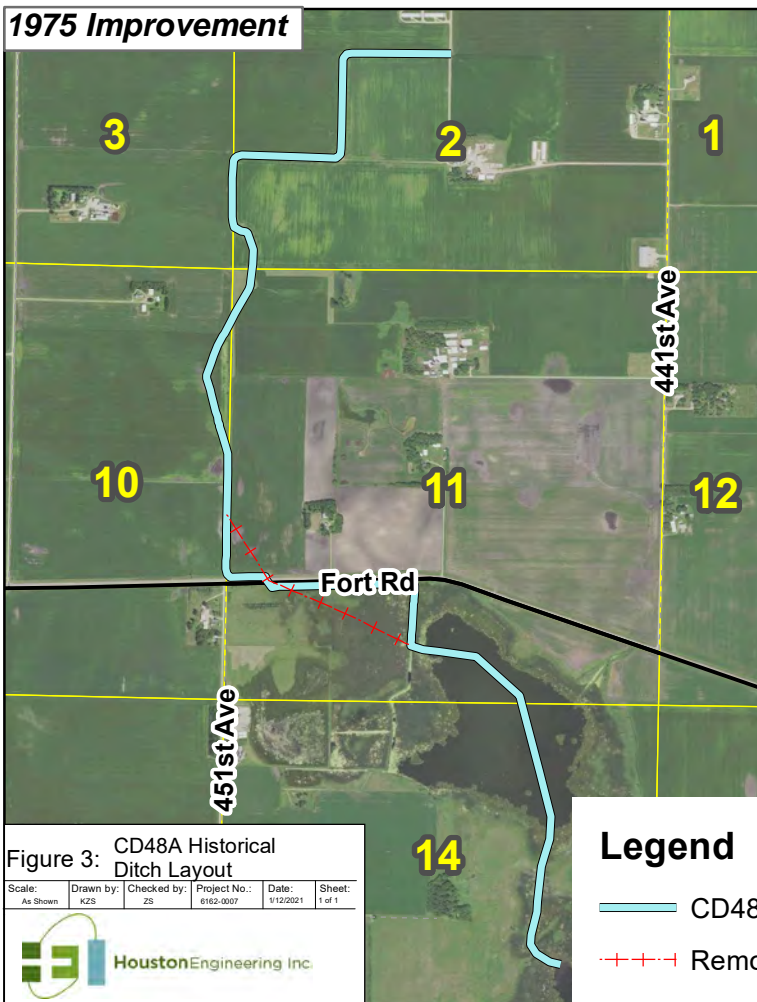
1908 Establishment



1964 Improvement



1975 Improvement



**Current Ditch
(Post-1993 Repair)**

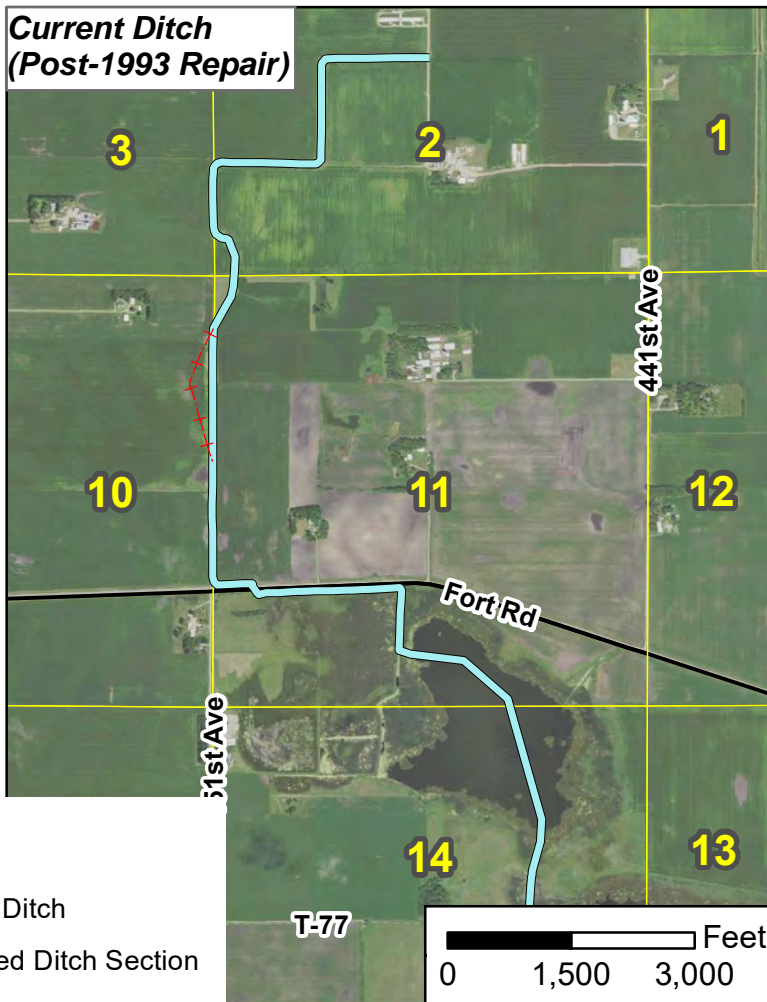


Figure 3: CD48A Historical Ditch Layout

Scale:	Drawn by:	Checked by:	Project No.:	Date:	Sheet:
As Shown	K2S	ZS	6162-0007	9/12/2021	1 of 1

Legend

- CD48A Ditch
- x-x-x- Removed Ditch Section



0 1,500 3,000 Feet

ANALYSIS OF CURRENT FUNCTION IN HISTORICAL CONTEXT

AS-CONSTRUCTED AND SUBSEQUENTLY IMPROVED GRADE AND GEOMETRY

Ideally, the grade of the ACSIC would be determined through the use of as-built drawings that identify the constructed alignment, grade and geometry. However, since as-built plans were rarely recorded for public drainage systems in the early 20th century, engineers have frequently utilized profile drawings or cut-sheets from the original designs or improvements in conjunction with test pits or soil borings to determine and corroborate the ACSIC.

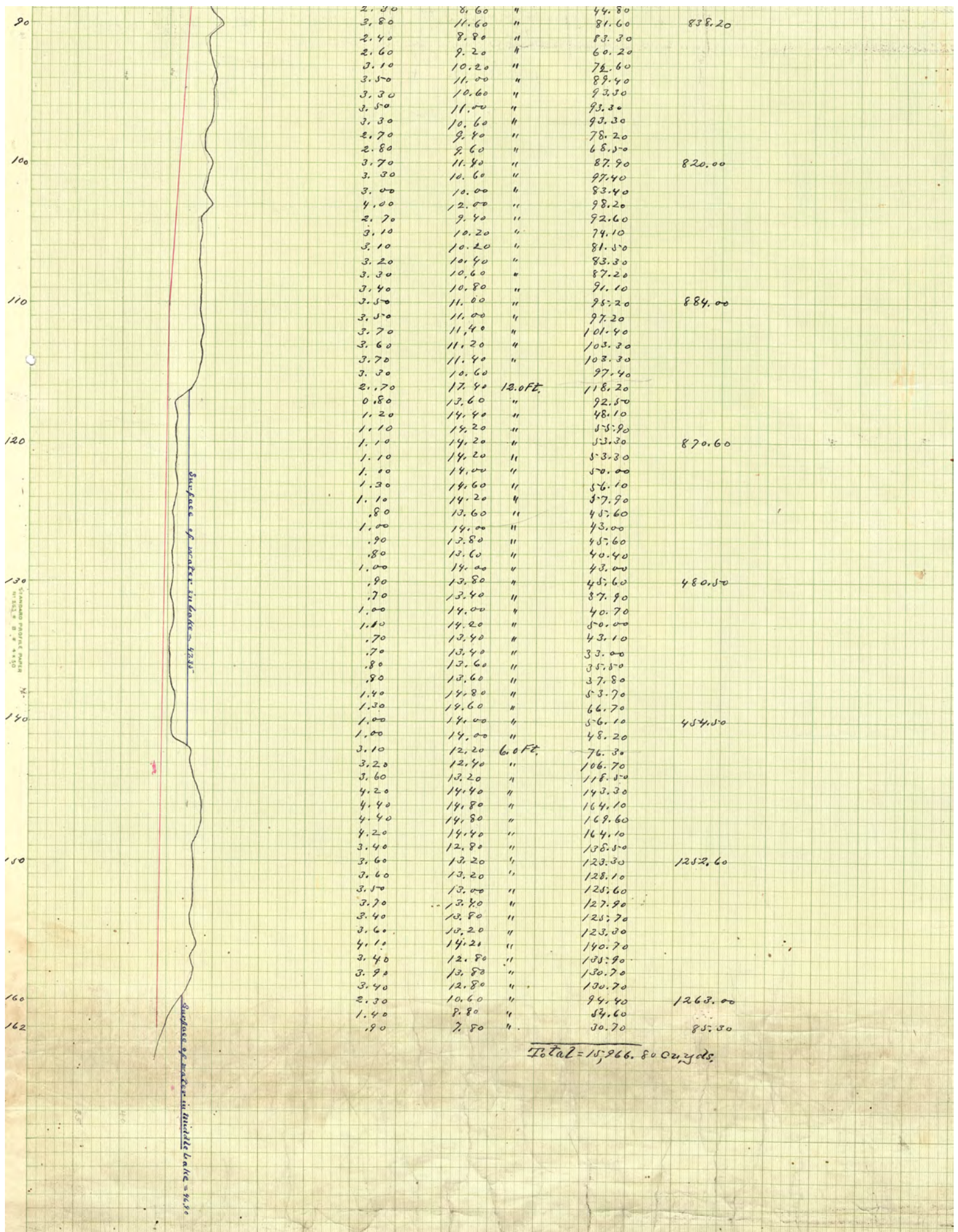
For CD48A, design drawings were located from three petitioned actions on the ditch system: the 1908 Establishment, 1964 Improvement, and 1975 Improvement. Each of these plans provided elevations in an unknown vertical datum. To augment the available information, soil borings were taken approximately every 1,000 feet along CD48A from Duck Lake north to the upstream end of the ditch and where possible south of Duck Lake to the outlet.

Strictly relying on the soil borings to define the ACSIC grade may not yield a practical determination of the ACSIC due to the inherent variability of soil boring data during its collection. In the case of CD 48A, the available design profiles, while not an as-built documenting the exact constructed grades, still provide useful information regarding the intended grades on the system. Not considering the design profiles during the record reestablishment would ignore a portion of the drainage system record.

Beginning at the upstream end of the system (Sta. 172+05) and going south to the upstream end of Duck Lake (Sta. 48+25), the ACSIC profile was determined via a statistical comparison of the soil borings and historical profiles. Due to the difficulties of access for surveying from Duck Lake to Middle Lake, a limited number of borings (2) and channel survey was achievable. As such, the ACSIC profile from Sta. 48+25 to the Middle Lake outlet (Sta. 0+00) was determined by applying the design slope of 0.02% obtained from the 1908 Establishment profile, which was corroborated with the soil boring taken at Sta 14+21. A second soil boring taken at 2+96 was inconclusive and may not have been taken in historic channel.

Figure 4 is a sheet from the 1908 Establishment plan that shows the design profile from the upstream end of Duck Lake to the outlet into Middle Lake. The figure shows the design profile grade in red and indicates excavation through Duck Lake and the deepening and straightening of its outlet to Middle Lake. The design profile figure also includes a cut sheet showing the quantities of excavated material during the excavation of the channel.

Figure 4: 1908 Establishment Plat



Comparison of Design Profiles and Soil Borings

This section describes the comparison of the design profile and soil borings for Sta. 48+25 to 171+86.

The CD 48A improvement profiles were based on an unknown vertical datum. To determine the ACSIC in a modern vertical datum, soil borings collected during October 2020 field survey were used to determine “as-built” excavation depths where the material transitions from accumulated sediment to native mineral soil. Soil borings were excavated along the system as shown in **Attachment A**. Twelve soil borings were collected between Stas. 60+75 and 171+86, and two additional borings were collected south of Duck Lake.

A statistical comparison of the soil borings and original design profile elevations was performed for the borings collected from Sta. 60+75 to 171+86. Through the comparison process, a datum adjustment factor of -2.52 feet was calculated from the entire set of soil boring elevations to convert the design profile from the unknown datum to NAVD88 (See **Table 1**). Soil boring elevations that were not within one standard deviation from the datum adjustment were identified as outliers and removed from the final datum adjustment calculation. For the ditch section that was straightened from Sta. 103+00 to Sta. 113+00, elevations were interpolated based on the known improvement plan elevations.

Overall, the 1964 and 1975 Improvement profiles provide a very good fit with the sediment/native soil interface indicated in the soil borings. Thus, ACSIC profiles shown in **Attachment A** are based nearly entirely on these design profiles using the datum adjustment factors noted below.

Table 1. CD 48A Main Trunk Datum Adjustment

Current CD 14 Alignment Station	Soil Boring Elev.	Improvement Profile Elev.	Deviation from Datum Adjustment of -2.52
48+25	----	975.07	----
60+75*	972.12	975.24	-0.60*
70+75*	973.21	975.37	0.36*
80+78	972.71	975.49	-0.26
90+57*	973.52	975.65	0.39*
100+59	973.48	975.99	0.01
110+63	973.90	976.33	0.09
120+81	973.97	976.50	-0.01
131+25	974.16	976.76	-0.08
141+33	974.54	977.01	0.05
151+90	974.94	977.27	0.19
161+81*	975.40	977.51	0.41*
171+86*	974.86	977.76	-0.38*
172+05	-----	977.76	-----
*Indicates outlier that was not used in determining the Datum Adjustment (error greater than 1 standard deviation value of 0.30)			

Comparison of ACSIC to Culvert Elevations

The public drainage system record shows one culvert planned for installation at Fort Road in the original Engineer's Report. Fort Road was relocated in the 1960s, and the crossing at that location was subsequently replaced and is currently at the ACSIC grade. There are also currently three culverts identified at field crossings along the system. The culverts at Sta. 13+61, located between Middle and Duck Lakes, and at Sta. 172+05, at the upstream end of the system, are above the ACSIC grade. The sharp grade of the culvert between Middle and Duck Lakes indicates the culvert has been heaved. Moreover, a petition was received by the County in 1976 to lower the culvert, but due to the current grade of the culvert and the lack of follow-up documentation regarding this petition, it appears that the culvert was not replaced or lowered at this time. Culverts located in marshy areas, such as the field road crossing between Middle and Duck Lakes, are highly susceptible to heaving, particularly if they are not carefully bedded. The culvert at Sta. 119+42 is close to the ACSIC grade but sloping in the wrong direction.

ACSIC Geometry

The 1908 Engineer's Report indicated that the open channel was to be constructed with a 1:1 side slope. During the widening and deepening of the ditch during the 1964 Improvement, the side slope was changed to 1.5:1 from Sta. 48+25 to Sta. 172+05. The bottom widths associated with each branch are listed in the table below. Bottom widths were determined from the improvement as-built drawings or the original 1908 Engineer's Report, where no recorded improvements occurred.

Table 8. CD 14 Bottom Widths

Downstream Station	Upstream Station	Bottom Width (ft)
0+00	20+00	6
20+00	48+25	12
48+25	76+65	10
76+65	172+65	4

RIGHT-OF-WAY

Proceedings for the original establishment of the drainage system established the area physically occupied by the drainage ditch and an easement for the area required for construction activities such as land clearing and spoil disposal. The combination of areas constitutes the right-of-way (ROW) for the drainage system and is often described as the area reasonably necessary for the drainage authority to perform its repair, maintenance, and inspection obligations while also establishing an area of reasonable setback to protect the drainage system.

The 1908 Engineer's report describes spoil piles no higher than 12 inches, but it does not specify the geometry of the spoil pile. Slopes of 3:1 on the ditch side and 10:1 on the field side were assumed based on an understanding of common practice at the time. The Engineer's Report also specified 6' of separation from the edge of the spoil pile to the top of the ditch bank.

The minimum length of spoil on each side of the ditch was set to 25 feet and the total ROW width was calculated by adding the top width of the as-designed ditch and the assumed length of spoil on either side of the ditch. The alignment of much of the ditch has changed since the 1908 establishment, so ROW widths here are generalized and grouped based on approximate project stationing. Estimated ROW widths for establishment stations and approximate corresponding proposed stations are shown in **Table 9**.

Table 9. ROW Widths for CD 48A

Upstream Station	Downstream Station	ROW Width
172+44	152+00	65'
152+00	147+00	130'
147+00	124+00	90'
124+00	109+00	130'
109+00	22+00	65'
22+00	0+00	90'

REGULATORY IMPACTS

The CD48A public drainage system flows through Duck Lake and outlets into Middle Lake, both of which are surrounded by large wetland complexes that are regulated by several local and federal agencies, including the United States Army Corps of Engineers (USACE), which implements the federal Clean Water Act (CWA); Nicollet County, which implements the state Wetland Conservation Act (WCA); and the Minnesota Department of Natural Resources (MnDNR), which has jurisdiction over public waters. If a repair is pursued, potential impacts to regulated resources will need to be coordinated with the appropriate authorities.

PUBLIC WATERS

Duck Lake (#52-30) and Middle Lake (#52-23) are two state-listed Public Waters located within the drainage system channel. The MnDNR regulates work within or affecting waterbodies identified in the Public Waters Inventory. Per MS 103E.701 Subd. 2, before a repair is ordered, the drainage authority must notify the MnDNR of work that may affect public waters. To confirm a mutual understanding of the MnDNR's jurisdiction and the processes the County as Drainage Authority intends to follow, we recommend early coordination with the MnDNR area hydrologist.

WETLANDS

The CD 48A public drainage system intersects wetlands identified in the U.S. Fish and Wildlife Service National Wetland Inventory (NWI) as shown in **Figure 4**. Under most regulatory programs (i.e. Minnesota Wetland Conservation Act (WCA), Federal Clean Water Act (CWA); and Minnesota Public Waters Law), activities related to repair of a public drainage system, though potentially taking place within the confines of wetlands, are not considered to result in jurisdictional wetland loss. These activities related to public drainage system maintenance include:

- Excavation in wetlands when limited to removal of sediment or debris such as trees, logs, stumps, beaver dams, blockage of culverts, and trash, provided the removal does not result in alteration of the original cross-section of the wetland or watercourse;

- Removing those materials placed by beaver;
- Removing or moving materials blocking installed roadway culverts and related drainage structures; and
- Temporary or seasonal water level management activities done for the purpose of performing maintenance.

Under the CWA, all repair, regardless of wetland impacts, is exempt from regulation. Under the WCA, activities related to maintenance or repair of a public drainage system that may result in wetland impacts but are exempt from replacement, include:

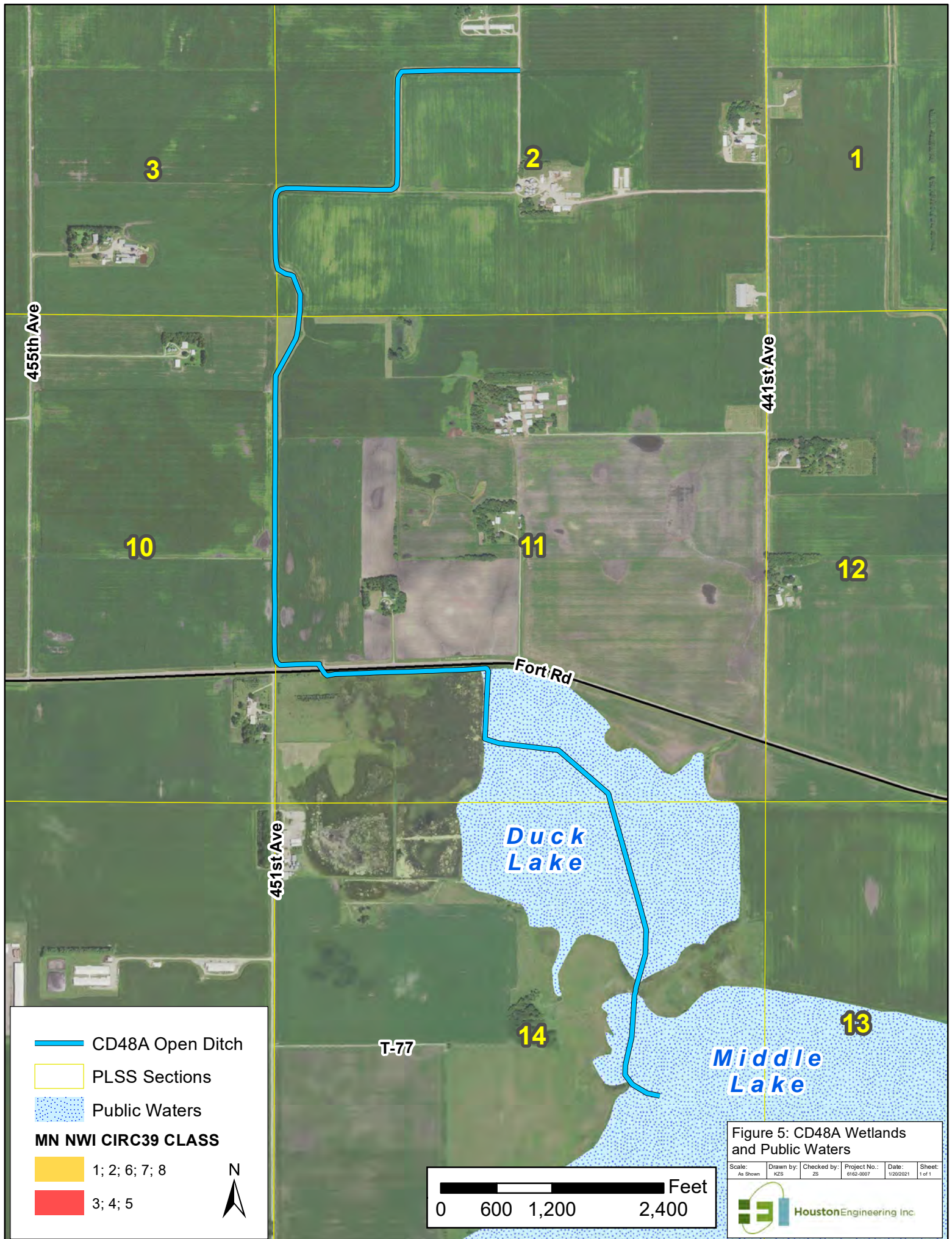
- Maintenance or repair of a public drainage system which drains Type 1, 2, 6, 7, or 8 wetlands; and
Maintenance or repair of a public drainage system which drains Type 3, 4, or 5 wetlands that have existed for 25 years or less.

Activities considered to be “no-loss” or exempt from replacement do not require wetland replacement plans under the WCA. Though not required, in these cases it may be prudent for the drainage authority to apply to the local government unit (LGU) for a no-loss or exemption decision prior to proceeding with the maintenance activity. The LGU for this location is Nicollet County.

Several public drainage system repair activities may result in wetland impacts that are not exempt under the WCA and require wetland replacement. These activities include, but are not limited to:

- Maintenance or repair of a public drainage system which drains Type 3, 4, or 5 wetlands that have existed for more than 25 years; and
- Maintenance or repair of a public drainage system not authorized by the drainage authority.

There may be Type 3, 4, or 5 wetlands near or connected to the public drainage system. Potential impacts should be assessed during a repair report.



ESTABLISHMENT OF THE PUBLIC DRAINAGE SYSTEM

An Engineer's Report was filed on April 28, 1908 containing specifications, an estimate of total cost, and a statement of time and manner in which work must be done. A Viewer's Report was filed on May 7, 1908 containing an estimate of benefits and damages. County Ditch No. 48A was established on June 23, 1908 by order of the Nicollet County Board and constructed shortly thereafter.

Further documentation of the establishment process was not located during this assessment.

KNOWN SYSTEM MODIFICATIONS OR PROCEEDINGS

The alignment of CD 48A has been changed substantially since its establishment in 1908. Around 1963, property owners petitioned for the upstream portion of the ditch to be widened, deepened, and straightened to follow the 40-acre lines. The following year, 1964, the channel alignment was moved to the current alignment from proposed Sta. 126+00 to 172+65. In addition, the ditch was widened and deepened from the upstream end to Duck Lake, as recommended by County's engineer.

In 1963, property owners at the upstream end of the system petitioned to have 900 feet of open ditch at the upstream end of the system be converted to tile. No further documents are available regarding this petition, and it is unclear whether the intent was for the tile to become part of public system or to be abandoned. Historic aerial imagery indicates that the open channel was replaced by tile as petitioned; however, subsequent improvement documents do not include the tile as part of the ditch system. Additionally, the tile only serves one landowner. Thus, the open channel was most likely abandoned and replaced with private tile by the landowner, and the upstream end of the public drainage system begin at the head of the open channel at Sta 172+65.

Fort Road (CSAH 5) was relocated between the 1964 Improvement and a petitioned improvement in 1975. In 1975, the ditch was relocated beginning at approximately Sta. 89+00. The ditch was routed south along the section line, then east parallel to the new Fort Road alignment, under Fort Road, again east parallel to Fort Road, and then south to Duck Lake.

In 1994, a landowner filed a repair petition to straighten the ditch from Sta. 103+00 to Sta. 113+00 to follow the section line. This work was approved by the County Board as a part of repair proceeding. The straightening work was completed in 1995.

Other work completed on the system is summarized below. Dates given were determined as best as possible based on the available information.

- 1) In 1943, the main trunk was cleaned from the upstream end of the ditch to Duck Lake.
- 2) In 1986, the ditch was cleaned near current station 112+00 in response to a ditch bank slide.
- 3) In 1992, a crossing was approved at approximately the current station 167+55. This crossing does not currently exist, and it is unclear whether it was ever constructed.

RECOMMENDATIONS

The Drainage Authority initiated proceedings to correct the drainage system record through a resolution and order by the County Board. This report having been completed and filed, the engineer recommends that the Drainage Authority schedule, notice and hold a public hearing, and consider adopting corrected records consistent with this report. The corrected drainage system records should be based on the alignment, grade, and geometry described within this historical review and in **Attachment A**. The alignment, grade, and geometry are, in the Opinion of the Engineer, necessary to reestablish the historic function of the legal drainage system to be the basis for maintenance and repair of the public drainage systems. We further recommend that the Drainage Authority submit the alignment, grade and geometry of the ACSIC to the Minnesota Department of Natural Resources and the Nicollet Soil and Water Conservation District for their review and concurrence.

AVAILABLE INFORMATION/HISTORIC RECORDS

Historic records for the CD 48A public drainage system were provided by the County. The following documents have been specifically used or referenced for this report:

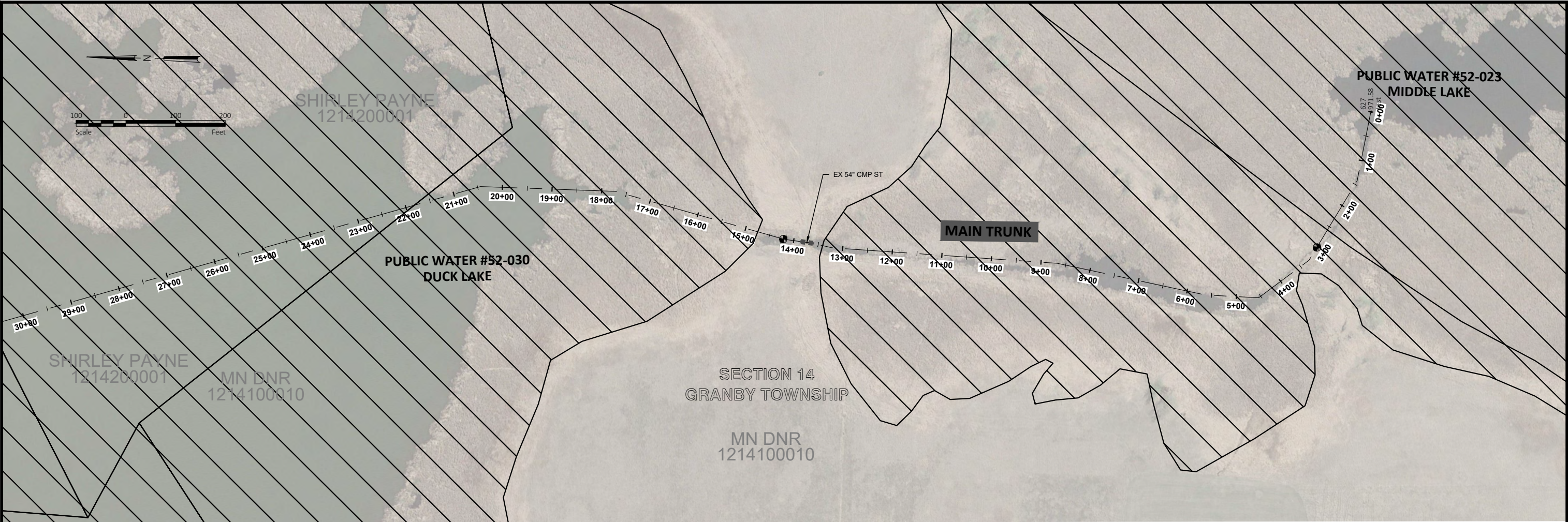
- Undated plan and profile for County Ditch 48.
- 1963 Engineer's Report for County Ditch 48.
- 1964 Engineer's Report regarding the 1964 petition for the improvement of County Ditch 48.
- 1964 Viewers Report for County Ditch 48A.
- 1975 Order granting the petition to relocate a portion of Nicollet County Ditch 48.
- 1986 Ditch bank slide repair request.
- 1992 Petition to install a new crossing.
- 1993 Washout repair request.
- 1993 Petition to clean County Ditch 48A from Fort Road north.
- 1994 Approval of ditch straightening repair request.
- 1995 Washout repair request.
- 2001 Ditch bank slide repair request.
- 2008 Washout repair request.
- 2011 Petition to clean County Ditch 48A from Fort Road north.
- 2012 Repair request to remove a collapsed culvert.
- 2012 Petition to clean ditch and move a crossing.
- 2014 Repair request to remove an abandoned beaver dam.

FINAL



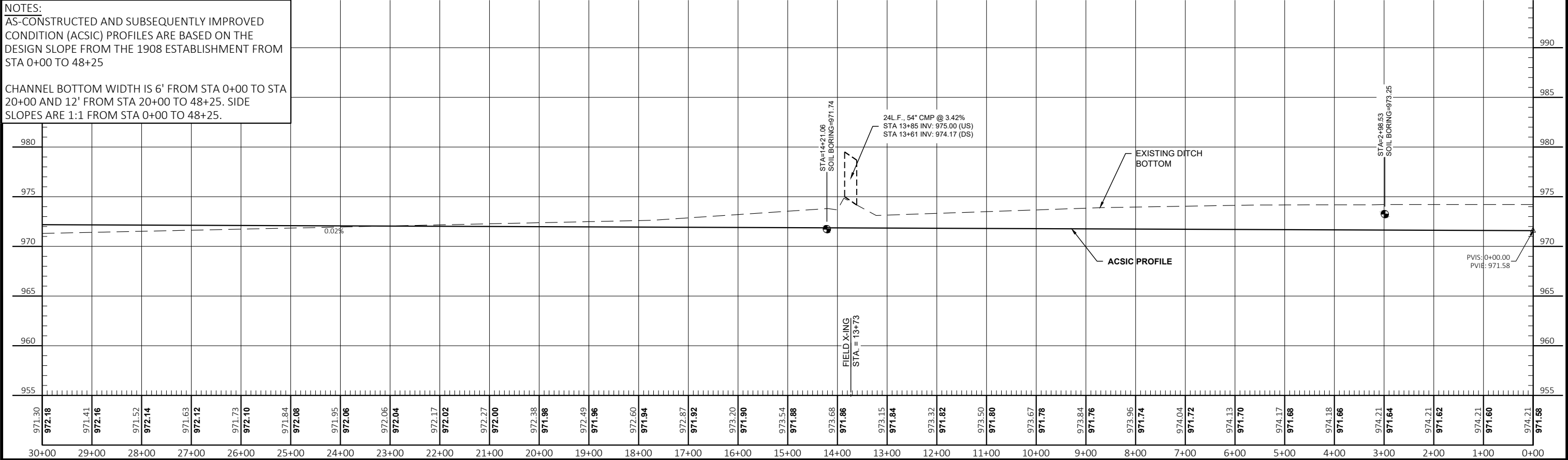
ATTACHMENT A – NICOLLET COUNTY DITCH 48A PLAN AND PROFILE



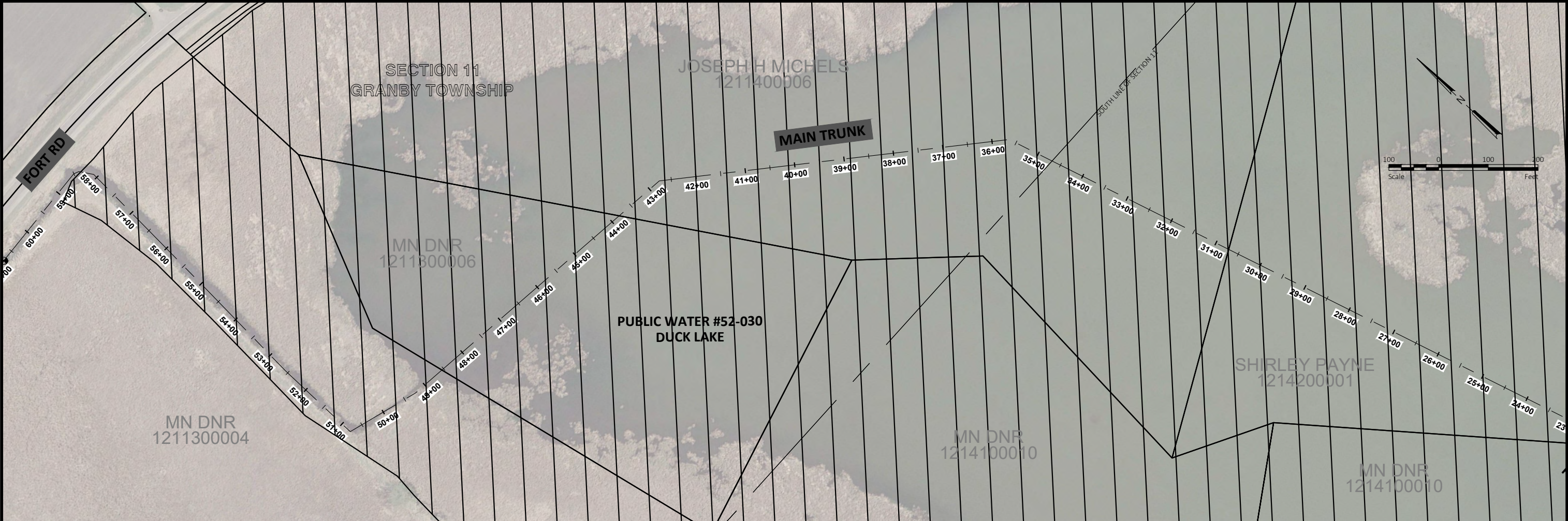


NOTES:
AS-CONSTRUCTED AND SUBSEQUENTLY IMPROVED
CONDITION (ACSIC) PROFILES ARE BASED ON THE
DESIGN SLOPE FROM THE 1908 ESTABLISHMENT FROM
STA 0+00 TO 48+25

CHANNEL BOTTOM WIDTH IS 6' FROM STA 0+00 TO STA
20+00 AND 12' FROM STA 20+00 TO 48+25. SIDE
SLOPES ARE 1:1 FROM STA 0+00 TO 48+25.

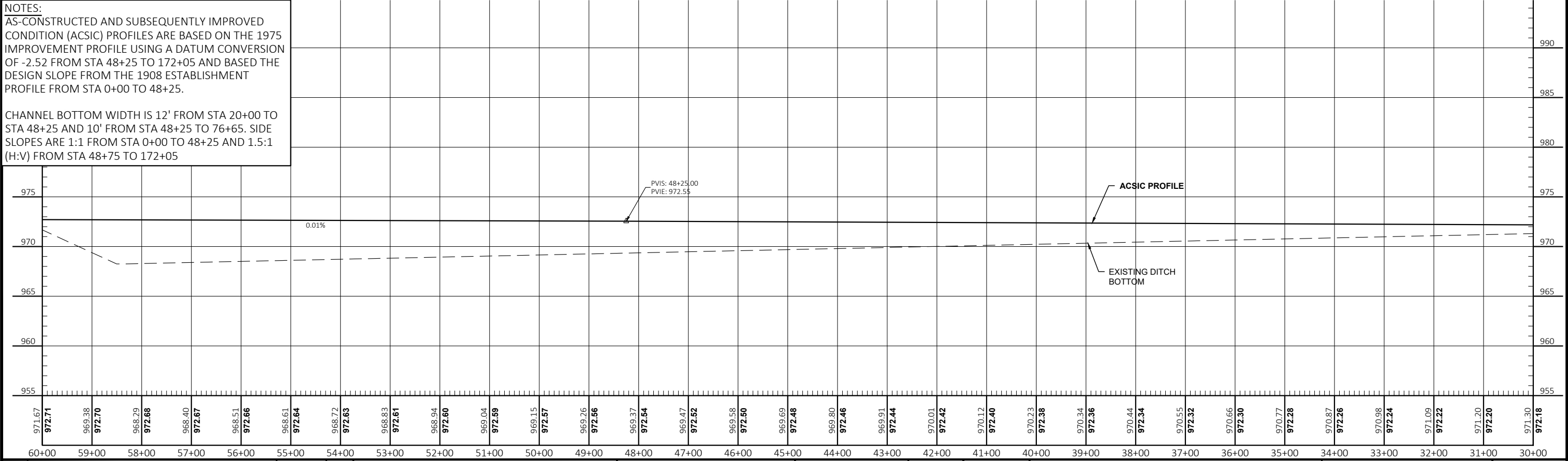


		PRELIMINARY Not for Construction			Maple Grove	Drawn by CJM	Date 01-21-2021	AS CONSTRUCTED AND SUBSEQUENTLY IMPROVED CONDITION CD 48 A NICOLLET COUNTY	ATTACHMENT A MAIN TRUNK PROJECT NO. 6162-0007	SHEET 1 of 6
No.	Revision	Date	By		P: 763.493.4522 F: 763.493.5572	Checked by CCO	Scale AS SHOWN			

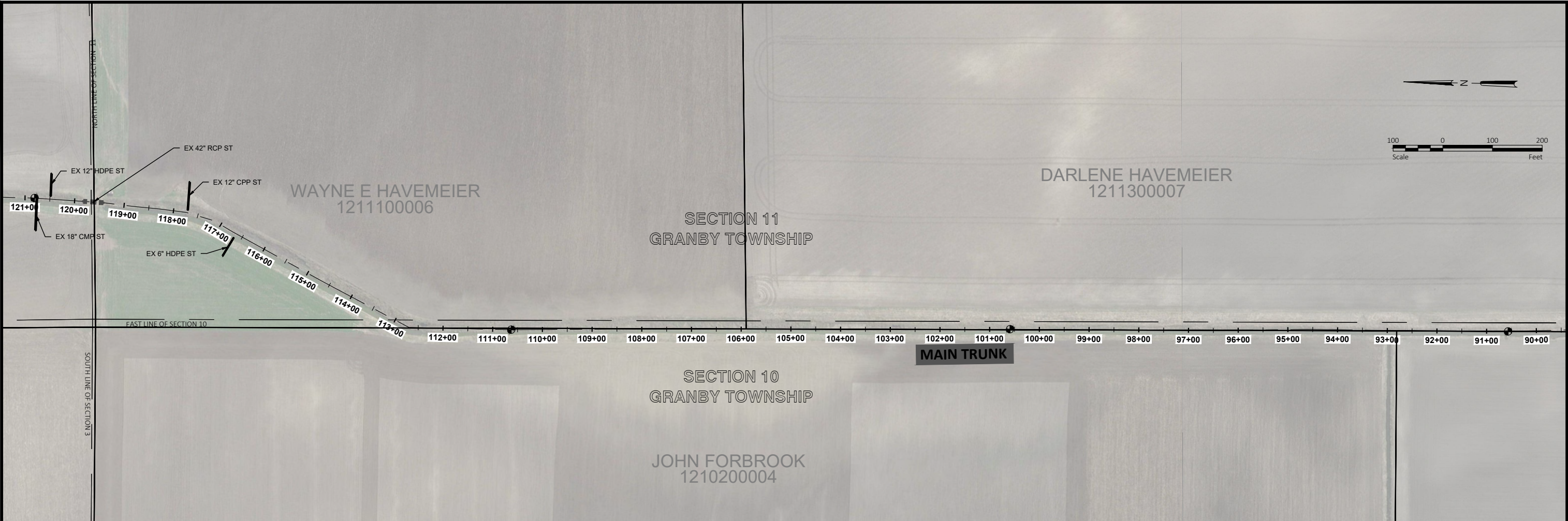


NOTES:
AS-CONSTRUCTED AND SUBSEQUENTLY IMPROVED
CONDITION (ACSIC) PROFILES ARE BASED ON THE 1975
IMPROVEMENT PROFILE USING A DATUM CONVERSION
OF -2.52 FROM STA 48+25 TO 172+05 AND BASED THE
DESIGN SLOPE FROM THE 1908 ESTABLISHMENT
PROFILE FROM STA 0+00 TO 48+25.

CHANNEL BOTTOM WIDTH IS 12' FROM STA 20+00 TO
STA 48+25 AND 10' FROM STA 48+25 TO 76+65. SIDE
SLOPES ARE 1:1 FROM STA 0+00 TO 48+25 AND 1.5:1
(H:V) FROM STA 48+75 TO 172+05

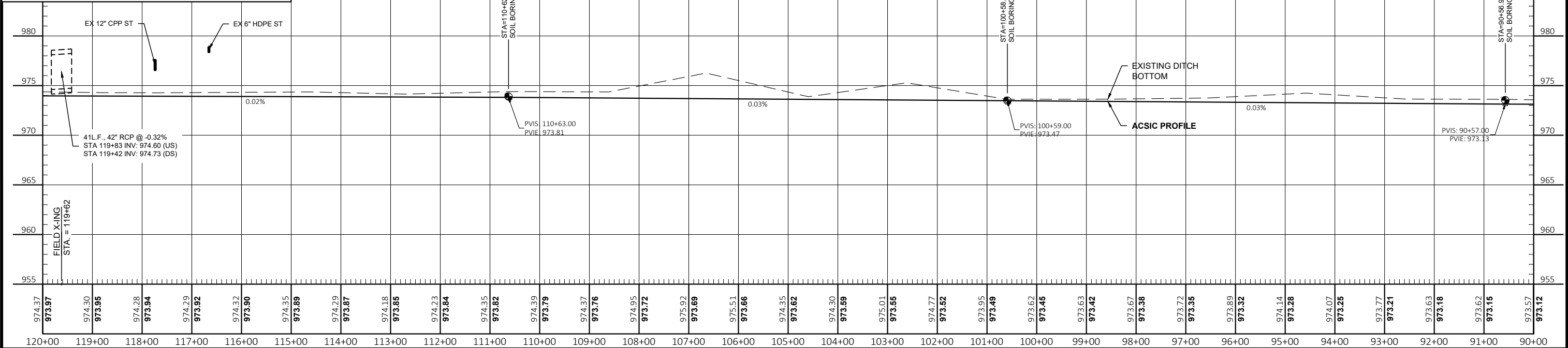


		PRELIMINARY Not for Construction			Maple Grove	Drawn by CJM	Date 01-21-2021	AS CONSTRUCTED AND SUBSEQUENTLY IMPROVED CONDITION CD 48 A NICOLLET COUNTY	ATTACHMENT A MAIN TRUNK PROJECT NO. 6162-0007	SHEET 2 of 6
No.	Revision	Date	By		P: 763.493.4522 F: 763.493.5572	Checked by CCO	Scale AS SHOWN			



NOTES:
AS-CONSTRUCTED AND SUBSEQUENTLY IMPROVED
CONDITION (ACSIC) PROFILES ARE BASED ON THE 1975
IMPROVEMENT PROFILE USING A DATUM CONVERSION
OF -2.52 FROM STA 48+75 TO 172+05.

CHANNEL BOTTOM WIDTH IS 4' FROM STA 76+65 TO
172+05. SIDE SLOPES ARE 1.5:1 (H:V).

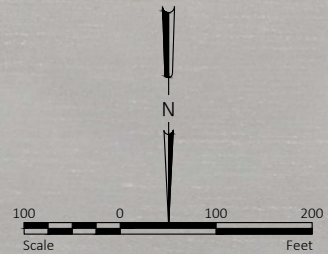


		PRELIMINARY Not for Construction			Maple Grove	Drawn by CJM	Date 01-21-2021	AS CONSTRUCTED AND SUBSEQUENTLY IMPROVED CONDITION CD 48 A NICOLLET COUNTY	ATTACHMENT A MAIN TRUNK PROJECT NO. 6162-0007	SHEET 4 of 6
No.	Revision	Date	By		P: 763.493.4522 F: 763.493.5572	Checked by CCO	Scale AS SHOWN			

COMPART REVOCABLE
TRUST RICHARD R
1202300003

SECTION 2
GRANBY TOWNSHIP

COMPART LOUIS E & MARCELLA M
REVOCABLE TRUST
1202300001



DRIVEWAY

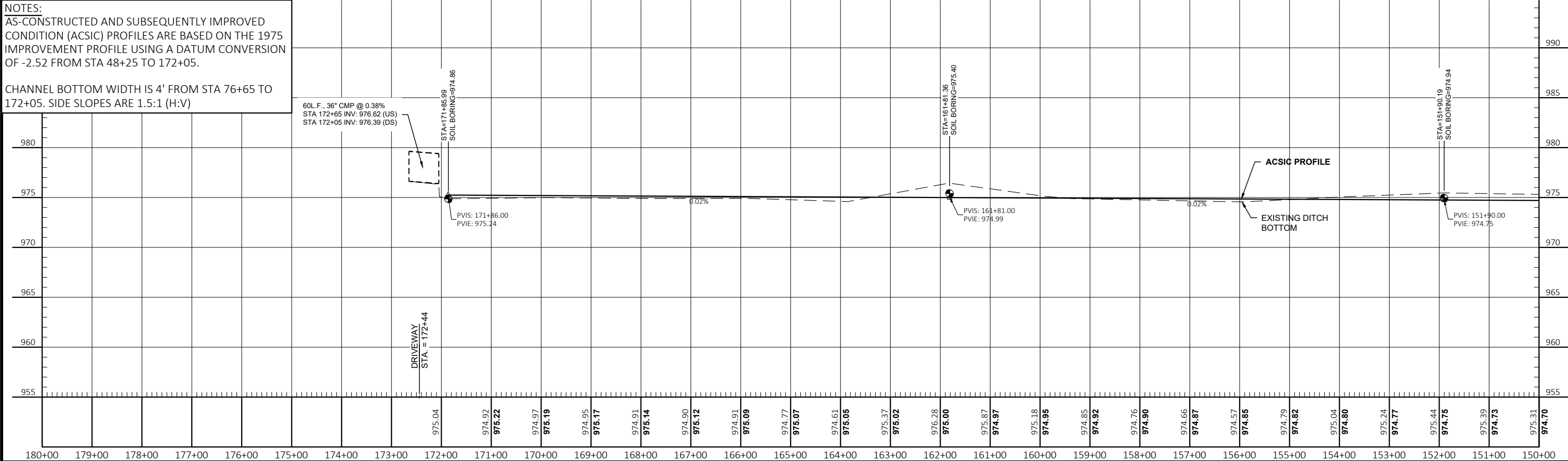
PRIVATE
TILE

EX 36" CMP ST

MAIN TRUNK

NOTES:
AS-CONSTRUCTED AND SUBSEQUENTLY IMPROVED
CONDITION (ACSIC) PROFILES ARE BASED ON THE 1975
IMPROVEMENT PROFILE USING A DATUM CONVERSION
OF -2.52 FROM STA 48+25 TO 172+05.

CHANNEL BOTTOM WIDTH IS 4' FROM STA 76+65 TO
172+05. SIDE SLOPES ARE 1.5:1 (H:V)



<div>PRELIMINARY</div> <div>Not for Construction</div>				<div>HOUSTON</div> <div>ENGINEERING INC.</div>		Maple Grove	Drawn by CJM	Date 01-21-2021	AS CONSTRUCTED AND SUBSEQUENTLY IMPROVED CONDITION CD 48 A NICOLLET COUNTY	ATTACHMENT A MAIN TRUNK PROJECT NO. 6162-0007	SHEET 6 of 6
No.	Revision	Date	By	P: 763.493.4522	F: 763.493.5572	Checked by CCO	Scale AS SHOWN				



Division of Ecological and Water Resources
1400 E. Lyon Street
Marshall, MN 56258

March 1, 2021

Nicollet County Drainage Authority
Terry Morrow, District 2 County Commissioner
c/o Jaci Kopet, Public Services Manager
Nicollet County Government Center
501 S. Minnesota Avenue
St. Peter, MN 56082

Dear Mr. Morrow:

RE: Nicollet County Ditch No. 48A, Reestablishment of Records Draft Technical Memorandum

This letter is concerning the proposed reestablishment of records for Nicollet County Ditch No. 48A. The Department of Natural Resources (DNR) has reviewed the technical memorandum (Report) prepared by Houston Engineering, dated January 28, 2021, and determined the proposed reestablishment may be inconsistent with the actual ditch as constructed and subsequently improved condition (ACSIC). Following are DNR observations, comments, and recommendations to the Drainage Authority regarding this proposed reestablishment of records.

The Report identifies changes in ditch alignment and dimension over time, specifically mentioning landowner petitions for improvements in 1963 and 1975. However, it is unclear from the information provided whether these improvements were properly petitioned and approved by the Drainage Authority. As stated in the Report, "Alterations to the public drainage system that were not performed per the requirements of MS 103E (i.e., ditch law) or its predecessors are typically not considered part of the ACSIC".

Likewise, when describing the 1964 improvement (petitioned in 1963), the Report states "in addition, the ditch was widened and deepened from the upstream end to Duck Lake, as recommended by the County's engineer". According to ditch law, a petition for an improvement must be signed by a requisite number or percentage of property owners that the proposed drainage project passes over, or signed by the Transportation Authority if the property involves a road. It is unclear whether the County engineer's recommendations mentioned in the Report were included in the 1963 landowner petition and subsequently approved by the Drainage Authority.

The Report also identifies a 1994 “repair petition to straighten the ditch from Sta. 103+00 to Sta. 113+00 to follow the section line”. It goes on to state, “This work was approved by the County Board as part of repair proceedings”. According to ditch law (and as identified in the Report), the term “repair” means to restore all or a part of a drainage system as nearly as practicable to the same condition as originally constructed and subsequently improved. It does allow realignment to original construction specifications, but changing the alignment from original construction is an improvement and must be petitioned as such. It is unclear from the Report if this drainage project was properly petitioned as an improvement by landowners and approved by the Drainage Authority.

Only drainage projects that were lawfully approved by the Drainage Authority in full compliance with ditch law may be considered part of the ACSIC. If the 1964, 1975, and 1994 drainage projects were not done in accordance with ditch law, this proposed redetermination would erroneously modify the true ACSIC. To address this possibility, we recommend revising the Report to include documentation supporting the proper petition and final improvement approvals by the Drainage Authority.

Lastly, please be aware that a DNR Public Waters Work Permit may be required for future ditch work below the ordinary high water level (OHWL) of Duck Lake and Middle Lake. Of particular concern is the culvert between these two basins. It is DNR’s preference that a RCP culvert crossing be maintained at this location as part of any future ditch repair work. The crossing is entirely located within the Duck Lake Unit of Swan Lake Wildlife Management Area, and is necessary for the public and DNR staff to utilize and maintain the eastern portion of the WMA. It should be noted that a 2016 Ducks Unlimited survey of this culvert showed it having an upstream invert elevation of 974.66 (NAVD 88), while a 2006 DNR as-built survey of the Middle Lake Dam further downstream identified a runout along the sheet pile weir at elevation 975.46 (NGVD 29). After converting the datum to NGVD 29, this culvert appears to be about one foot below the crest of the Middle Lake Dam. Because the two structures are located in relative close proximity to one another, it can be assumed that Middle Lake “controls” the water level of Duck Lake.

Mr. Terry Morrow
March 1, 2021
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Thank you for the opportunity to review the proposed reestablishment of records. Please provide a written response to the issues raised in this letter prior to approving the reestablishment of records for Nicollet County Ditch No. 48A. The response and any questions regarding this matter should be directed to Area Hydrologist Garry Bennett at (320) 753-0344 or garry.bennett@state.mn.us.

Sincerely,

Jim Sehl
District Manager
Division of Ecological & Water Resources

cc: Robert Collett, DNR Regional Manager
Tim Gieseke, DNR Assistant Regional Manager
Garry Bennett, DNR Area Hydrologist
Joanne Boettcher, DNR REAE
Stein Innvaer, DNR Wildlife
Scott Mackenthun, DNR Fisheries
Chris Otterness, Houston Engineering