

Board of Commissioners Agenda

October 24, 2023

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

Commissioners: Jack Kolars - Board Chair; Terry Morrow - Vice Chair; Marie Dranttel; Mark Dehen; Kurt Zins

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

1. Pledge of Allegiance
2. Silence Your Cell Phones
3. Approval of Agenda
4. Approval of Consent Agenda:
 - a. [October 10, 2023 Board Minutes](#)
 - b. [Karpel Juvenile Interface Contract](#)
 - c. [FY 2024 and FY 2025 Natural Resources Block Grant](#)
 - d. [End of Probations](#)
 - e. Approval of Bills
5. Public Appearances

9:05 a.m. 6. Office of Technologies

- a. [Proclamation Recognizing October as Cybersecurity Month in Nicollet County](#)

9:10 a.m. 7. Property Services

- a. [October 16, 2023 Planning and Zoning Advisory Commission Meeting](#)
 - [PLN 23-18 – Zachary Swanson](#)

- 9:15 a.m.**
8. County Attorney's Report
 9. Chair's Report
 10. Commissioner Committee Reports, Meetings & Conferences
 11. Approve Per Diems and Expenses
 12. Adjourn Board of Commissioners Meeting

- **BREAK** -

9:55 a.m. Call Drainage Authority Meeting to Order: Chair

1. Approval of Agenda
2. Approval of Consent Agenda
 - a. [October 10, 2023 Drainage Authority Minutes](#)
3. Public Appearances

10:00 a.m. 4. Public Works

- a. [Consider Ditch Repair Reports 23-017 through 23-021](#)

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

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

Core Values

Leadership. Integrity. Accountability. Efficiency. Innovation.

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- 10:05 a.m.** 5. Public Services
- a. CD30A Public Hearing Regarding Petition for Partial Abandonment
- 10:35 a.m.** b. Continued CD77 Lateral 2 Public Hearing on the Final Acceptance of the Improvement Project and Levy
- 11:05 a.m.** 6. Adjourn Drainage Authority Meeting

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. Questions or comments regarding Nicollet County meetings and requests to participate can be directed to Mandy Landkamer, Nicollet County Administrator, at 507-934-7074 or mandy.landkamer@co.nicollet.mn.us.

Date	Time	Meeting	Location	City & State
October 24	9:00 am	County Board of Commissioners Meeting	Gov. Center Board Room	St. Peter, MN
October 24	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room	St. Peter, MN
October 25	8:00 am – 1:00 pm	AMC District 7 Meeting	NC Historical Society	St. Peter, MN
November 10	Nicollet County Offices Closed in Observance of Veteran's Day			
November 13	8:00 – 4:00 pm	Tri-County Recycling Tour	Nicollet County Area	St. Peter, MN
November 14	9:00 am	County Board of Commissioners Meeting	Gov. Center Board Room	St. Peter, MN
November 14	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room	St. Peter, MN
November 15	6:00 – 9:00 pm	Township Association Meeting	American Legion	Nicollet, MN
November 21		Individual Dep. Head Meeting - Sheriff	Gov. Center Board Room	St. Peter, MN
November 21	9:30 am	Board Workshop	Gov. Center Board Room	St. Peter, MN
November 23-24	Nicollet County Offices Closed in Observance of the Thanksgiving Holiday			
November 28	9:00 am	County Board of Commissioners Meeting	Gov. Center Board Room	St. Peter, MN
November 28	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room	St. Peter, MN

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OCTOBER 10, 2023
OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS

The Nicollet County Board of Commissioners met in regular session on Tuesday, October 10, 2023, at 9:00 a.m. Present at the meeting were Commissioners Kolars, Dranttel, Morrow, Dehen, and Zins. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer, and Recording Secretary Sarah Frahm.

Approval of Agenda

Motion by Commissioner Dehen 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 Dehen to approve the consent agenda items as follows:

1. September 26, 2023 Board Minutes
2. Approval of Bills
3. Acknowledgment of the Auditor's Warrants and approval of the Commissioner Warrants as presented for the following amounts:
 - a. General Revenue Fund - \$189,841.26;
 - b. Road & Bridge Fund - \$55,434.92;
 - c. Human Services Fund - \$161,045.70

Motion carried with all voting in favor.

Public Appearances:

There were no public appearances.

Health and Human Services

2024-2025 County MFIP Biennial Service Agreement

Director Sassenberg shared information on the Biennial Service Agreement (BSA). The BSA is used to identify the County's program strengths and service delivery gaps. It was available for public review on the County website for thirty days and received no comments.

Motion by Commissioner Morrow and seconded by Commissioner Dehen to approve Nicollet County's 2024-2025 MFIP Biennial Service Agreement. Motion carried with all voting in favor on a roll call vote.

Public Works

Consider Snow and Ice Removal Agreement with City of New Ulm

Director Greenwood came forward and discussed the Snow and Ice Removal Agreement with the City of New Ulm. The agreement provides reimbursement to the City of New Ulm for snow and ice removal services on CSAH 37 for the period of December 2023 through March 2024.

Motion by Commissioner Zins and seconded by Commissioner Dehen to approve the Snow and Ice Removal Agreement with the City of New Ulm. Motion carried with all voting in favor.

County Attorney

Designation of Elected Officials as Employees for Purposes of the Data Practices Act

Attorney Zehnder Fischer came forward to provide information on the classification of elected officials as related to the Minnesota Data Practices Act. The determination of elected officials as employees of Nicollet County would treat the classification of data the same as data of other County personnel.

Motion by Commissioner Morrow and seconded by Commissioner Dranttel to approve the resolution determining Nicollet County elected officials as employees of Nicollet County solely for the purposes of the Minnesota Data Practices Act. Motion carried with all voting in favor.

County Attorney Update:

Attorney Zehnder Fischer recently spoke at the Minnesota Teen Challenge gala. There have been concerning increases in the amount of illicit drugs confiscated by the MN River Valley Drug Task Force. She also shared that Bonnie Petersen, Victim/Witness Coordinator, served 536 victims in 2023, which was an increase from the previous year. Finally, area attorneys met with Attorney General Keith Ellison last Saturday to discuss local issues and ways to collaborate with the Attorney General's office.

Chair's Report

- Community Ed
- Diversity Council
- Mayo Leadership Summit
- MVAC
- County Board

Commissioner Committee Reports:

Commissioner Terry Morrow

- East Central Regional Juvenile Detention Center (Anoka Co)
- County Board

Commissioner Marie Dranttel

- County Board

Commissioner Mark Dehen

- Mayo Leadership Summit
- County Board

Commissioner Kurt Zins

- County Board

Approve Per Diems and Expenses

Motion by Commissioner Dehen and seconded by Commissioner Zins 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.

Adjourn

Chair Kolars adjourned the meeting at 9:17 a.m.

JACK KOLARS, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Karpel Juvenile Interface Contract	
Primary Originating Division/Dept.: Attorney's Office Contact: Michelle Zehnder Fischer Title: County Attorney Amount of Time Requested: minutes Presenter: Michelle Zehnder Fischer Title: County Attorney	Meeting Date: 10/24/2023 Item Type: Consent Agenda <input type="button" value="v"/> <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Programs and Services - deliver value-added quality services <input type="button" value="v"/> <small>(Select One)</small>	
BACKGROUND/JUSTIFICATION: The County Attorney's Office transitioned to Karpel for records management in April of 2023. The cost of the implementation and ongoing fees did not include a juvenile e-charging interface that is needed to electronically file juvenile charging documents. The proposed cost is \$5000 for development of the interface and a \$1000 annual fee. Ongoing conversation is occurring regarding the cost of the implementation. Authorization is requested for the County Attorney to sign the contract following final cost negotiations. Funding is available from the County Attorney budget or Office of Technologies.	
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 checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A	
ACTION REQUESTED: Authorize County Attorney to sign contact	
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify: FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = 6000 State <small>(Select One)</small> Total:

NICOLLET COUNTY, MINNESOTA

INTERFACE CONTRACT FOR



PROSECUTORbyKarpel®

Updated June 9th, 2023



TERMS OF AGREEMENT

The agreement proposed in this document is between Karpel Computer Systems Inc., a Missouri corporation, doing business as Karpel Solutions (hereinafter referred to as "Karpel Solutions"), and Nicollet County, a political subdivision of the State of Minnesota (hereinafter referred to as "Client"), wherein Karpel Solutions agrees to provide Nicollet Interface access for the Client throughout the duration of the contracted terms described herein.

Any request for modification(s) to the proposed terms of this agreement must be submitted to Karpel Solutions in the form of a change order and will require the Client's express approval. No additional charges or fees will be incurred without prior written approval from the Client.

CONFIDENTIALITY STATEMENT

This document is considered the intellectual property of Karpel Solutions. The Client recognizes the proprietary nature of this information and shall neither disclose nor reproduce it via any media format. The use of any terms, data, or other proprietary knowledge referenced herein outside of Nicollet County, or for any purposes other than those established through this agreement, is strictly prohibited. If the Client is compelled by law to disclose any information covered by this agreement, they must notify Karpel Solutions before the third (3rd) full business days prior to the disclosure. This agreement imposes no such limits, should the Client utilize any information that can be found within this contract, if such is obtained from an external or third party. The Client will be subject to all subsequent revisions, addendums, and amendments to these terms for the duration of this agreement, unless otherwise permitted by Karpel Solutions.

SUMMARY OF COSTS AND TERMS OF PAYMENTS

Karpel Solutions agrees to provide necessary maintenance and support for its hosted services in accordance with the terms and specifications described in this document, contingent on the Client's remittance of fees for any associated services or provisions. The table below provides a simplified example of cost and fee calculations, based upon the size of the Client's organization:

	Qty	Cost	Subtotal	
Initial Interface Fee (incurred only once)	1	\$5,000	\$5,000	
Annual Maintenance Fee (incurred once per year)	1	\$Y	\$1,000	Annual Maintenance Cost Per Year (excluding taxes)
			\$6,000	Total Initial Interface Cost (excluding taxes)

Costs and fees for all hosted services, including maintenance expenses, are subject to change due to increased workloads, and updates to industry standards for technologies and data security practices. Karpel Solutions will seek Client acknowledgment before adjusting any costs or fees.



Associated costs for provided services will be in effect for one (1) year following the initial date of the Interface installation. These contracted terms are subject to renewal on an annual basis, solely per the Client's discretion and approval.

Payment scheduling can be applied to these costs, which will be calculated on an annual basis, and will be subject to renewal each subsequent year, pending approval. Of the initial \$5,000 cost, 50% (\$2,500) is due immediately upon the signing of this agreement, and the remaining half of the initial cost, along with any Maintenance fees, will be immediately due upon the completion and implementation of the PBK Interface. Any subsequent costs and fees may be subject to change per the sole discretion of Karpel Solutions.

PROVIDED SERVICES AND SUPPORT

Karpel Solutions will provide training and updates for the Client at certain intervals and will offer technical support in the form of telephone and e-mail communications, webinars, and remote desktop maintenance. The Help Desk is available to provide direct, toll-free assistance over the phone from 7:00 AM (07:00 CST) to 7:00 PM (19:00 CST) on Mondays through Fridays (excluding holidays or certain events). Karpel Solutions also provides technical support outside of these listed times through a third-party provider, at no additional cost to the Client.

Maintenance of site functionality is dependent upon the Client's continuance of payments for hosted services, the cost of which will remain fixed throughout the duration of each contracted term. Failure to remit total payments in a timely manner may compel Karpel Solutions to terminate the agreement between itself and the Client and remove their access to the Interface.

Provided services for application maintenance will include scheduled updates or changes to the Interface, as well as error fixes and enhancements for site functionality. Support is offered to all authorized users but does not include troubleshooting for all networks or connectivity issues, and will not include help any devices or networks outside of those related to site functionality.



SIGNATURES AND AUTHORIZATIONS

Upon entering into this agreement with Karpel Solutions, the Client agrees to be bound by the terms and conditions stated herein, throughout the entire duration of this contract. Karpel Solutions reserves the right to terminate this agreement or make modifications to these terms at any time, solely upon their discretion. The signatories on this document warrant that they have the authority to bind their respective party to this agreement.

Nicollet, Minnesota

Karpel Solutions

Signature

Signature

Printed Name

Printed Name

Date

Date



Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: FY 2024 and FY 2025 Natural Resources Block Grant Agreement								
Primary Originating Division/Dept.: PPSP - Property Services Contact: Jaci Kopet Title: Director Amount of Time Requested minutes Presenter: Title:	Meeting Date: 10/24/2023 Item Type: Consent Agenda <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No							
County Strategy: Programs and Services - deliver value-added quality services <small>(Select One)</small>								
BACKGROUND/JUSTIFICATION: Consideration of the FY2024 and FY2025 Natural Resource Block Grant Agreement. This agreement funds local water management activities, the administration of the wetland conservation act, shoreland activities, and septic systems. With this grant agreement, Nicollet County is set to receive \$109,348.00. In addition to the grant monies, specific areas require a county match as defined in statute.								
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 checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known) 11/9/2021								
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A								
ACTION REQUESTED: Approval of FY2024 and FY2025 Natural Resources Block Grant Agreement								
FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify	FUNDING County Dollars = Statutorily determined match <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State</td> <td style="width: 50%; text-align: right;">\$109,348</td> </tr> <tr> <td><small>(Select One)</small></td> <td></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$109,348</td> </tr> </table>		State	\$109,348	<small>(Select One)</small>		Total	\$109,348
State	\$109,348							
<small>(Select One)</small>								
Total	\$109,348							
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments:								



**FY 2024 and 2025 STATE OF MINNESOTA
BOARD OF WATER and SOIL RESOURCES
NATURAL RESOURCES BLOCK GRANT PROGRAM
GRANT AGREEMENT**

Vendor:	0000197335
PO#:	3000016656

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and Nicollet County, 501 South Minnesota Avenue, St. Peter MN 56082 (Grantee).

Grant ID	Grant Title	Awarded Amt
P24-0363	2024 - Local Water Management - NRBG (Nicollet County)	\$17,960.00
P24-0450	2024 - Wetland Conservation Act - NRBG (Nicollet County)	\$22,453.00
P24-0536	2024 - Shoreland-NRBG (Nicollet County)	\$3,661.00
P24-0622	2024 - Septic Treatment Systems - NRBG (Nicollet County)	\$21,200.00
P25-0232	2025 - Local Water Management - NRBG (Nicollet County)	\$17,960.00
P25-0319	2025 - Wetland Conservation Act - NRBG (Nicollet County)	\$22,453.00
P25-0405	2025 - Shoreland-NRBG (Nicollet County)	\$3,661.00

Total Grant Awarded: \$109,348.00

Recitals

1. This Grant Agreement is for the FY 2024 and 2025 Department of Natural Resources (DNR) Shoreland, Local Water Management (LWM), Wetland Conservation Act (WCA), and FY 2024 Minnesota Pollution Control Agency (MPCA) Subsurface Sewage Treatment System (SSTS) Program Grants.
2. The Laws of Minnesota 2023, Regular Session, Chapter 60 Article 1, Section 4 (q) appropriated funds to the Board for the FY 2024 and 2025 DNR Shoreland, LWM, and WCA grants.
3. The Board adopted Board Order #23-41 to authorize and allocate funds for the FY 2024 and 2025 DNR Shoreland, LWM, WCA, and MPCA SSTS grants.
4. The MPCA transferred to BWSR funds for their Fiscal Year 2024 SSTS Grant Programs to be allocated with this Grant Agreement.
5. The Grantee has met the criteria established by statute, the Board, the DNR, and the MPCA, and is eligible to receive NRBG grant funds.
6. The Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the Board.
7. As a condition of the grant, Grantee agrees to minimize administration costs.

Authorized Representative

The State's Authorized Representative is Marcey Westrick, Central Region Manager, BWSR, 520 Lafayette Road North, Saint Paul, MN 55155, (651) 284-4153, or her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee's Authorized Representative is:

TITLE Chair, Nicollet County Board of Commissioners
ADDRESS 501 S. Minnesota Ave
CITY St. Peter, Minnesota, 56082
TELEPHONE NUMBER 507-934-7070

If the Grantee's Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

Grant Agreement

1. Terms of the Grant Agreement.

- 1.1. **Effective date:** The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd. 5. **The Board will notify the Grantee when this Grant Agreement has been executed. The Grantee must not begin work under this Grant Agreement until it is executed.**
- 1.2. **Expiration date:** FY 2024 and 2025 DNR Shoreland, LWM, and WCA grants expire **December 31, 2025** or until all obligations have been satisfactorily fulfilled, whichever comes first. FY 2024 MPCA SSTS grants expire **December 31, 2027** or until all obligations have been satisfactorily fulfilled, whichever comes first.
- 1.3. **Survival of Terms:** The following clauses survive the expiration date or cancellation of this Grant Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 12. Governing Law, Jurisdiction, and Venue; 14. Data Disclosure; and 17. Intellectual Property Rights.

2. Grantee's Duties.

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat. § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the Program as follows:

- 2.1. **Implementation:** The Grantee will implement their work plan, which is incorporated into this Grant Agreement by reference.
- 2.2. **Reporting:** All data and information provided in a Grantee's report shall be considered public.
 - 2.2.1. The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of Program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board.
 - 2.2.2. Final Progress Report: The Grantee will submit a final progress report to the Board for FY 2024 and 2025 DNR Shoreland, LWM, and WCA grants by February 1, **2026**, or within 30 days of completion of the project, whichever occurs sooner. The Grantee will submit a final progress report to the Board for FY 2024 MPCA SSTS grants by February 1, **2028**, or within 30 days of completion of the project, whichever occurs sooner. Information provided must conform to the requirements and formats set by the Board. All individual grants over \$500,000 will also require a reporting expenditure by June 30 of each year.
- 2.3. **Compliance:** The Grantee will comply with Minnesota Statutes Section 103B.3361 through 103B.3369 (LWP), Minnesota Rules Chapter 8420 (WCA); Minnesota Statutes Section 103F.201 and Minnesota Rules Chapter 6120 (Shoreland) and have a DNR approved shoreland ordinance; Minnesota Rules Chapter 7082.0040 through 7082.0700 (SSTS); and amendments thereto, for Local Water Management, Wetland Conservation Act, Shoreland Management, and Subsurface Sewage Treatment Systems.
- 2.4. **Wetland Conservation Act Funds Transfer:** As required by the Board, the Grantees' participation in the NRBG is conditioned upon a transfer of funds to the Soil and Water Conservation District (SWCD) for Wetland Conservation Act activities, or such greater amount as agreed upon by the county and SWCD. This transfer must occur within 120 days of receipt of NRBG funds by the Grantee. This amount is listed on the BWSR website.

3. Time.

The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

4. Terms of Payment.

- 4.1. All grant funds will be distributed in one installment promptly after the execution of the Grant Agreement.
- 4.2. All costs must be incurred within the grant period and all incurred costs must be paid before the amount of unspent grant funds is determined.
- 4.3. Unspent grant funds must be returned within 30 days of the expiration date of the Grant Agreement.
- 4.4. The obligation of the State under this Grant Agreement will not exceed the amount listed above.
- 4.5. This grant is an advance payment. Advance payments allow the Grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

5. Conditions of Payment.

- 5.1 All services provided by the Grantee under this Grant Agreement must be performed to the Board's satisfaction, as set forth in this Grant Agreement. Compliance will be determined at the sole discretion of the Board's Authorized Representative and in accordance with all applicable federal, State, and local laws, policies, ordinances, rules, and regulations. The Grantee

will not receive payment, may be required to repay grant funds, or may have future payments withheld if work is found by the Board to be unsatisfactory or performed in violation of federal, State, or local law.

5.2 For the LWM, WCA and DNR Shoreland Programs, Grantees have the flexibility of determining the amount of grant funds to expend on each of these three Programs locally. This is to provide needed spending flexibility for yearly fluctuations in workload and program activity in counties and SWCDs.

6. Assignment, Amendments, and Waiver.

- 6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the Board and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.
- 6.2. **Amendments.** Any amendments to this Grant Agreement must be in writing and will not be effective until approved and executed by the same parties who approved and executed the original Grant Agreement, or their successors in office. Amendments must be executed prior to the expiration of the original Grant Agreement or any amendments thereto.
- 6.3. **Waiver.** If the Board fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.

7. Liability.

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.

8. State Audits.

Under Minn. Stat. § 16B.98, Subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.

8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.

9. Government Data Practices.

The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this Grant Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

10. Workers' Compensation.

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

11. Publicity and Endorsement.

11.1. **Publicity.** Any publicity regarding the subject matter of this Grant Agreement must identify the Board as the sponsoring agency. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee individually or jointly with others, or any subcontractors, with respect to the Program, publications, or services provided resulting from this Grant Agreement.

11.2. **Endorsement.** The Grantee must not claim that the State endorses its products or services.

12. Governing Law, Jurisdiction, and Venue.

Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Grant Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.

13. Termination.

- 13.1. The Board may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 13.2. The Board may immediately terminate this Grant Agreement if the Board finds that there has been a failure to comply with the provisions of this Grant Agreement, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The Board may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

14. Data Disclosure.

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and State tax agencies and State personnel involved in the payment of State obligations. These identification numbers may be used in the enforcement of federal and State tax laws which could result in action requiring the Grantee to file State tax returns and pay delinquent State tax liabilities, if any.

15. Prevailing Wage.

It is the responsibility of the Grantee or contractor to pay prevailing wage for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§ 177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at a rate not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.

16. Municipal Contracting Law.

Per Minn. Stat. § 471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.

17. Intellectual Property Rights.

The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries, (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Work includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United State Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

***IN WITNESS WHEREOF**, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.*

Approved:

Nicollet County

Board of Water and Soil Resources

By: _____

By: _____

(signature)

(signature)

Chair, Nicollet County Board of Commissioners
Title: _____

Title: _____

Date: _____

Date: _____

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item:		
End of Probations		
Primary Originating Division/Dept.: Human Resources		Meeting Date: 10/24/2023
Contact: Kristy Larson	Title: HR Director	Item Type: Consent Agenda (Select One)
Amount of Time Requested	minutes	
Presenter: Kristy Larson	Title: HR Director	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
County Strategy: Facilities and Space - preserve, maintain and build our assets (Select One)		
BACKGROUND/JUSTIFICATION: <p>Finance Finance Director Heather McCormick has requested the end of probation for Deborah Davidson, Accounting Specialist, effective October 5, 2023.</p> <p>Sheriff's Office Sheriff Dave Lange has requested the end of probation for Aaron Petersen, Chief Deputy Sheriff, effective November 22, 2023.</p>		
+		
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: Proclamation Recognizing October as Cybersecurity Awareness Month in Nicollet County		
Primary Originating Division/Dept.: Office of Technologies Contact: Jason Dragvold Title: Technologies Director Amount of Time Requested: 5 minutes Presenter: Jason Dragvold Title: Technologies Director	Meeting Date: 10/24/2023 Item Type: Regular Agenda <small>(Select One)</small>	
Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No		
County Strategy: Programs and Services - deliver value-added quality services <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: The Office of Technologies is requesting approval of a proclamation recognizing October as Cybersecurity Awareness Month in Nicollet County.		
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 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 proclamation		
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify: FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = Grant <small>(Select One)</small> Total:	



Proclamation Recognizing October as Cybersecurity Awareness Month in Nicollet County

WHEREAS, Nicollet County serves a vital role in providing services to our residents and communities; and

WHEREAS, Critical community services such as health care, emergency services, and law enforcement are ever increasingly dependent on information systems; and

WHEREAS, Nicollet County is committed to protecting the county from cybersecurity events; and

WHEREAS, Cybersecurity is the shared responsibility of all and we must work together to improve our awareness and educate ourselves on basic computer security; and

WHEREAS, October is designated as National Cybersecurity Awareness Month and Nicollet County residents are encouraged to visit the Department of Homeland Security Stop.Think.Connect. website at www.stopthinkconnect.org to learn more about cybersecurity and how to protect themselves better at home, work, school, and business.

NOW, THEREFORE, BE IT PROCLAIMED, by the Nicollet County Board of Commissioners that October 2023 is designated as:

Cybersecurity Awareness Month

October 24, 2023

Jack Kolars, Chair
Nicollet County Board of Commissioners

ATTEST:

Mandy Landkamer
Clerk to the Board

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: October 16, 2023 Planning & Zoning Advisory Commission Meeting		
Primary Originating Division/Dept.: PPSD -Property Services Contact: Spencer Crawford Title: Zoning Specialist Amount of Time Requested: 5 minutes Presenter: Spencer Crawford Title: Zoning Specialist	Meeting Date: 10/24/2023 Item Type: Regular Agenda <small>(Select One)</small>	
Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No		
County Strategy: Programs and Services - deliver value-added quality services <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: Consideration of the attached Conditional Use Permit request and findings of fact document for the following item: PLN23-18 Zachary Swanson- replacement hunting shack on property leased from Robert Schuck near Swan Lake. The Planning Commission recommended approval with staff recommended conditions.		
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: Consideration of the attached Conditional Use permit request and findings of fact for approval or denial.		
FISCAL IMPACT: No fiscal impact <small>(Select One)</small> If "Other", specify: FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = State <small>(Select One)</small> Total:	

PLANNING AND ZONING ADVISORY COMMISSION AGENDA

Date: October 16, 2023

Time: Following the adjournment of the Nicollet County Board of Adjustments and Appeals Meeting (doors open at 6:45)

Location: Nicollet County Board Room, 501 S. Minnesota Avenue, St. Peter, MN

Copies of the meeting agenda and packet are available on the Nicollet County website at:

<https://mn-nicolletcounty.civicplus.com/AgendaCenter>

Questions or comments regarding the meeting can be directed to Spencer Crawford, Deputy Zoning Administrator, at 507-934-7071, or spencer.crawford@co.nicollet.mn.us

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *September 19, 2023*
5. Public Appearances
6. **PUBLIC HEARING: PLN23-18**
 - Applicant: Zachary Swanson
 - Landowner: Robert Schuck
 - Request: Conditional use approval for a 12' x 32' hunting shack
 - Location: Government Lot 3, Section 20-110-28, in Granby Township
 - Parcel Number: 05.020.0700
7. Old Business
8. Other Business
9. Communications
10. Adjourn

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

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

Core Values

Leadership. Integrity. Accountability. Efficiency. Innovation.

PLANNING COMMISSION REGULAR MONTHLY MEETING MINUTES

OCTOBER 16, 2023	7:37 PM	NICOLLET COUNTY BOARD ROOM
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	<input checked="" type="checkbox"/> Dave Ubel, <i>Chair</i> <input checked="" type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input checked="" type="checkbox"/> Marie Dranttel, <i>Commissioner</i> <input checked="" type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input checked="" type="checkbox"/> Randy Schwab	<input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Marie Dranttel, <i>Commissioner</i> <input type="checkbox"/> Lloyd Hoffmann <input checked="" type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab	<input checked="" type="checkbox"/> Spencer Crawford, Zoning Specialist (ZS) <input checked="" type="checkbox"/> Roxann Klein, Assistant County Attorney (ACA) <input type="checkbox"/> Shana Jackson, County Assessor (Assessor) <input checked="" type="checkbox"/> Crystal Madden, Recording Secretary <input checked="" type="checkbox"/> Other Staff: John Zehnder, Zoning Specialist <input type="checkbox"/> Other Staff:

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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APPROVAL OF SEPTEMBER 19, 2023 MINUTES	MOTION	2 ND
<input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> APPROVE WITH REVISIONS	<input type="checkbox"/> Dave Ubel, <i>Chair</i> <input checked="" type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Marie Dranttel, <i>Commissioner</i> <input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab	<input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Marie Dranttel, <i>Commissioner</i> <input checked="" type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab
VOTE TO APPROVE MINUTES	<input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL	VOTE: 5 - 0

PUBLIC APPEARANCES	None.
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PUBLIC HEARINGS – CONDITIONAL USE

PLN23-18	APPLICANT/LANDOWNER: Zachary Swanson / Robert Schuck		
DESCRIPTION	Conditional use approval for a twelve (12) foot by thirty-two (32) foot hunting shack, on property owned by Robert Schuck, within the Special Protection & Shoreland Zoning Districts.		
CONFLICT OF INTEREST	None.		
SITE VISIT & PUBLIC CONTACT	No Commissioners visited the site. There was no contact with Commissioners from members of the public.		
STAFF REPORT PRESENTED BY	DZA Crawford		
APPLICANT TESTIMONY	Present to represent the application was Zac Swanson, 16788 Willow Lane SW, Prior Lake.		
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.		
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.		
COMMISSION ACTION	MOTION	2 ND	
RECOMMEND APPROVAL WITH CONDITIONS, as recommended	<input type="checkbox"/> Dave Ubel, <i>Chair</i> <input checked="" type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Marie Dranttel, <i>Commissioner</i> <input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab	<input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Marie Dranttel, <i>Commissioner</i> <input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input checked="" type="checkbox"/> Randy Schwab	
VOTE TO RECOMMEND APPROVAL	<input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL		VOTE: 5 - 0

ADDITIONAL ITEMS

OLD BUSINESS	None.
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OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
MOTION TO ADJOURN MEETING	MOTION		2 ND
08:02 PM	<input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Marie Dranttel, <i>Commissioner</i> <input checked="" type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab		<input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Marie Dranttel, <i>Commissioner</i> <input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input checked="" type="checkbox"/> Randy Schwab
VOTE TO ADJOURN MEETING	<input checked="" type="checkbox"/> CARRIED	<input type="checkbox"/> FAILED	VOTE: 5 - 0

CRYSTAL MADDEN, RECORDING SECRETARY		DATE	
DAVE UBEL, CHAIR		DATE	

DRAFT



PLANNING & ZONING ADVISORY COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Zachary Swanson

Hearing October 16, 2023

Property Owner Robert Schuck

BOC Meeting October 24, 2023

File PLN23-18

Use Request Conditional use approval for a twelve (12) foot by thirty-two (32) foot hunting shack

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The request is conditionally permitted in this zoning district and meets all standards. There are similar cabins in the area, and the request is replacing a previous cabin.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There will be minimal utility usage and traffic from the requested use.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are other hunting shacks in the nearby area. The request meets all zoning ordinance standards in regards to size, function, placement and use.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The appearance is similar to other hunting shacks in the nearby area, and the request seems to meet all zoning ordinance standards. The request replaces a dilapidated shed that collapsed.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The request meets all County zoning ordinance standards. This area is already considered for hunting shacks.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is not in conflict with the Comprehensive Plan, and meets all zoning and shoreland regulations. Swan Lake is an important resource for wildlife and natural resources. This is a suitable area for hunting shacks and recreational areas.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

7. The requested use will not create an unreasonable adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There appears to be no unreasonable noise, odor, glare, or general unsightliness associated with the proposal.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

8. The requested use is reasonably related to the existing land use and environment.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hunting shacks are a conditionally permitted use in the Shoreland and Special Protection Zoning Districts. The requested use is in character with the area.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The requested use meets all County zoning ordinance standards, and the pit toilet will be constructed according to MPCA standards. There appears to be no potential health risks to neighbors or the general public.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

10. The requested use ☐ WILL ☒ WILL NOT have adverse effect upon public health, safety and welfare due to the following other factors:

COMMISSION MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The requested use appears to meet all County standards, and has no apparent adverse effects. This area is permitted Special Protection. This area provides for hunting and a place to interact with nature.
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marie Drantell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION

☒ RECOMMENDS APPROVAL OF THE REQUESTED USE ☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

- ☒ Application
 ☐ Site visit
☒ Information received at public hearing
 ☒ Staff Report
☒ Pictures

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE PERMIT AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION.

Date: _____ Chair: _____



CONDITIONAL USE PERMIT

HUNTING SHACK

Zachary Swanson

PLN23-18

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit PLN23-18
APPLICANT:	Zachary Swanson
LANDOWNER:	Robert Schuck
LOCATION:	Government Lot 3, Section 20-110-28, in Granby Township
PARCEL NO:	05.020.0700
EXISTING ZONING:	Shoreland, Special Protection
HEARING DATE:	10/16/23
COUNTY BOARD DATE:	10/24/23

REQUEST

Zachary Swanson is requesting conditional use approval to replace a hunting shack on property leased from Robert Schuck near Swan Lake.

ORDINANCE:

Several Ordinances apply to the proposal, including:

Nicollet County Zoning Ordinance Sections 611 & 719.
Nicollet County Shoreland Ordinance Sections 501 & 502.

The request appears to meet all standards, including setbacks.

PROJECT DESCRIPTION

The applicant leased the property in April of 2022, which at the time contained a dilapidated hunting shack in disuse. The old shack was dismantled and removed last October when a tree fell and destroyed the roof. There is a small shed near the old shack that was left intact and will remain.

The applicant wishes to place a 12' x 32' prefabricated structure in the general area of the old shack. He describes it as a pre-built barn cabin with two lofts, having a total height of 12.5 feet. The structure was constructed with skids for mobility, but it will be placed on concrete blocks and remain in the same location. There would be no running water, well, or septic system. A pit toilet would be utilized for the restroom facility.

EXISTING LAND USE

The lot is part of a cluster of shacks located in a wooded area on the eastern shore of Swan Lake. The approximately 165 acre property also contains a farm field and wetlands.

SURROUNDING LAND USE

The surrounding land use is predominantly the undeveloped wetland of Swan Lake. There are clusters of hunting shacks located to the north and southeast.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

- 1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**
 - Hunting shacks are a conditionally permitted use in the Special Protection & Shoreland Zoning Districts.
 - The request appears to meet all standards and presents no apparent threat to the welfare, health, or safety of the public.
- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
 - Utility usage is expected to be typical for a hunting shack.
 - The use will generate a minimal amount of traffic.
- 3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
 - The request appears to meet all Zoning Ordinance standards in regard to its size, function, placement, and use.
 - There are other hunting shacks within the vicinity of the proposal.
- 4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**

- The appearance of the shack is similar to those situated around it.
- The proposal meets height and size standards of the Zoning Ordinance.
- Hunting shacks are a conditionally permitted use in the Special Protection & Shoreland Zoning Districts.

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

- The request appears to meet all standards of the Nicollet County Zoning & Shoreland Ordinances.

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

- The comprehensive plan states:
 - Swan Lake is a very important resource for Nicollet County, both as a natural resource and as an element of its identity.
 - The lake and the surrounding area provide habitat for a variety of wildlife and natural resource areas.
 - Waterbodies can be negatively impacted by land use activities if regulations and protections are not properly managed.
- The proposal is not in conflict with the comprehensive plan as it appears to meet all Zoning & Shoreland regulations, thereby furthering the protection of Swan Lake and its associated wetland areas.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

- No unreasonable noise, odor, glare, or general unsightliness is expected.

8. The requested use is reasonably related to the existing land use and environment.

- Hunting shacks are a conditionally permitted use in the Special Protection & Shoreland Zoning Districts.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The request appears to meet all county standards, and staff are unable to identify any potential health risks to neighbors or the public in general.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

- The request as proposed appears to meet County standards, with no apparent adverse effects to public health, safety, and welfare.

RECOMMENDATIONS

1. The applicant shall undertake the project according to the plans and specifications submitted to the county with the application.
2. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The structure shall not be relocated, moved, or altered without first obtaining a permit from the Nicollet County Property Services Department.
4. All vegetation alterations, grading, and filling shall comply with Nicollet County Shoreland Ordinance Section 503.
5. The Pit toilet shall be built according to Minnesota Pollution Control Agency and the Minnesota Department of Health standards, through the County sewage permit process.
6. Appropriate erosion control measures shall be installed and maintained throughout the construction process and until a permanent vegetative cover is established.

Applicant: Zachary Swanson
Landowners: Robert Schuck

PLN23-18

ATTACHMENT A	Application
ATTACHMENT B	Location Map
ATTACHMENT C	Aerial Map
ATTACHMENT D	Submitted by Applicant
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 12-20-300-003

Parcel#: 05.020.0700

Permit#: PLN23-18

Date: 9/20/2023

Applicant: Zachary Swanson

Telephone: 952 221 8456

Owner: Robert Schuck

Property Address: TBD

Abbreviated Legal Description: GL 3, 20/110/28

Township: Granby Township

Zoning District(s): SPECIAL PROTECTION
SHORELAND

Record Type: Conditional Use Permit

Subtype: New

Category: Other

Description: Replacement Hunting Shack

G.C. Licence#: n/a

Job Cost: TBD

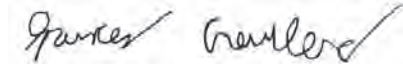
PERMIT EXPIRATION DATE: 9/20/2024


Zachary Swanson (Sep 20, 2023 16:30 CDT)

APPLICANT SIGNATURE

Sep 20, 2023

DATE



PROPERTY SERVICES

09/20/23

DATE

ATTACHMENT A


PLN23-18


Final Audit Report


2023-09-20


Created:	2023-09-20
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAb9hT1yJBoarmvjvlq68TVBHOJT3Wh5y6


"PLN23-18" History


 Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2023-09-20 - 9:15:48 PM GMT

 Document emailed to zswan8285@gmail.com for signature
2023-09-20 - 9:16:19 PM GMT

 Email viewed by zswan8285@gmail.com
2023-09-20 - 9:28:51 PM GMT

 Signer zswan8285@gmail.com entered name at signing as Zachary Swanson
2023-09-20 - 9:30:21 PM GMT

 Document e-signed by Zachary Swanson (zswan8285@gmail.com)
Signature Date: 2023-09-20 - 9:30:23 PM GMT - Time Source: server

 Agreement completed.
2023-09-20 - 9:30:23 PM GMT



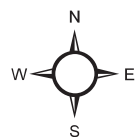
Adobe Acrobat Sign



Attachment B Location Map



0 500 1,000 2,000 Feet



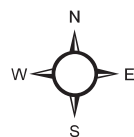
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. The user accepts the data "as is", and assumes all risks associated with its use. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party.



Attachment C Aerial Map



0 25 50 100 Feet



Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. The user accepts the data "as is", and assumes all risks associated with its use. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party.



CONDITIONAL USE PERMIT APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION

Name of Applicant: Hunting Structure on Swan Lake

Date: 10/24/2023

Please describe the specific details related to your request. If your request is approved, you will be **held** to the plans and specifications submitted to the County with your application.

The request is to replace an old and distressed duck hunting structure on Swan Lake in Nicollet, MN. The old structure was falling apart after a tree had fallen on it. The rubble resulting from this was hauled out. The requested plan is to bring a pre-built lofted barn cabin onto the land previously holding the old structure on it. The cabin was built by Premier Sheds and the dimensions are 12'x32' with two 8' lofts on both ends of the cabin with a height of 11.5'. The cabin was built on skids, which makes it movable. The requested plan is to use is as a hunting cabin, just as the previous structure was used.

ATTACHMENT D

Name of Applicant: Zac Swanson Date: 10/24/2023

Request: Hunting Structure on Swan Lake

In granting a conditional use permit, the County Board shall consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of the community. Among other things, the County Board shall make the following findings where applicable.

Why do you feel the request meets the following criteria?

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

Yes, given the nature of the land, the requested use is compatible.

Yes, given the nature of the land, the requested use is compatible.

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

Yes, the requested structure will not increase burden on the existing roads or other utilities.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

Yes, the requested structure is similar to other existing structures located on the same land.

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

Yes, the requested structure will have similar appearance to other existing hunting structures on the same land.

5. The requested use is consistent with the County Zoning Ordinance.

Yes, the requested use is consistent with the County Zoning Ordinance.

(Continued onto back)

6. The requested use is not in conflict with the County Comprehensive Plan.

Yes, the requested use is not in conflict with the County Comprehensive Plan.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

Yes, the requested structure will not create any unreasonable adverse effect.

8. The requested use is reasonably related to the existing land use and environment.

Yes, the requested use is consistent with the use of other hunting shacks on the same land.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

No, there are no health risks posed to neighbors or the public related to the structure.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors.

No, the requested use will not have any adverse effect.

***A MAJORITY OF THE CUP CRITERIA MUST BE MET
IN ORDER FOR THE REQUEST TO BE APPROVED.***



פּוֹלְטֵי



0 15 30 60 Feet

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, reliability, or validity of this data for any purpose other than that for which it was collected. The user agrees not to transmit this data or portions thereof to any other party.

SYRVEY IN THE S.W. 1/4 SEC. 20 AND S.E. COR. SEC. 19,
T. 110 N., R. 28 W., NICOLLET COUNTY, MINNESOTA

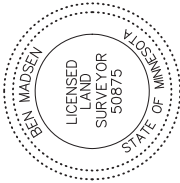
SWAN LAKE

SWAN LAKE

SWAN LAKE

X
LAT 44.31274° LONG -94.23083°
N 269407.315 E 509380.861 Elev 984.37+/-

ORDINARY HIGH WATER LEVEL
SOURCE: MN DNR LAKEFINDER
980.84 NAVD88



0 30 60 120
SCALE 1" = 60'

- DENOTES IRON MONUMENTS FOUND OR SET IN PREVIOUS SURVEYS.
- DENOTES IRON MONUMENTS SET & MARKED WITH REG. NO. 50875 UNLESS OTHERWISE SHOWN.

BEARINGS ARE ORIENTED TO THE
NAD83 1996 ADJUSTMENT.

NOTE: No fieldwork was conducted as part of this survey.
Contours as shown are based upon LIDAR data made available
from the MN DNR. The coordinate shown above was provided
by the Minnesota Department of Natural Resources. The approximate
elevation of this location is based upon the LIDAR data. No field
survey can be conducted, the contours and elevations as
shown should be considered approximate.

ZAC SWANSON TEL: (507) 235-3780		BEN MADSEN LICENSED LAND SURVEYOR 50875 STATE OF MINNESOTA	
DRAWN B.M.	CHECK B.M.	FILE NO. 23287	1
I HEREBY CERTIFY THAT THIS PLAIN SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.		BEN MADSEN DATE: 08-23-2023 LICENSE NO. 50875	



3 of 10



2 of 10





1 of 10





06 22 2023



06 22 2023

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
SCHUCK ROBERT F	101 LOOKOUT LN	NEW ULM MN 56073-0716
NELSON THORILD & ARDITH REV LIV TRUST	45303 STATE HIGHWAY 99	NICOLLET MN 56074-4200
PALMQUIST GERALD & JOLEEN PALMQUIST	33066 460TH ST	KASOTA MN 56050
METZGER MICHELE M	43480 COUNTY RD 4	NICOLLET MN 56074
BOCK DANIEL & CRYSTAL L BOCK	43598 475TH AVE	NICOLLET MN 56074
ENTER IVAN H & JANINE ENTER	43522 475TH AVE	NICOLLET MN 56074
PAYNE SHIRLEY A	42768 FORT RD	SAINT PETER MN 56082
KROHN MARVIN E & LAURIE KROHN	43527 COUNTY ROAD 4	NICOLLET MN 56074
COMPART TIMOTHY G & SUSAN M COMPART	511 4TH ST PO BOX 101	NICOLLET MN 56074
KROHN LOUIS MARVIN	43027 475TH AVE	NICOLLET MN 56074
SCHUCK ROBERT	PO BOX 176	NEW ULM MN 56073
Bob Wills- Granby Township	41156 465th Ave	Nicollet, MN 56074



PLANNING COMMISSION

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Zachary Swanson

Hearing October 16, 2023

Property Owner Robert Schuck

Continuation N/A

File PLN23-18

Commission Member

Use Request Conditional use approval to replace a hunting shack

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

5. The requested use is consistent with the County Zoning Ordinance.

ATTACHMENT G

YES ☐ NO ☐ REASON: _____

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use _____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Information received at public hearing

☐ Staff Report

☐ Pictures

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____



09/01/2023 - 09/30/2023 Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD23-116	SSTS PERMIT	NEW SEPTIC SYSTEM FOR NEW 3 BEDROOM HOUSE	NOT YET ASSIGNED	DENNIS KITZBERGER
BLD23-141	STRUCTURE PERMIT	24' GRIAN BIN	43338 470TH ST, NICOLLET, MN 56074	JORDAN RUDENICK
BLD23-142	SSTS PERMIT	REPLACEMENT SEPTIC SYSTEM FOR A 4 BEDROOM HOUSE	39152 512TH ST, N MANKATO, MN 56003	KEENAN FREUNDL & HABIB SADAKA
BLD23-143	SSTS PERMIT	NEW SEPTIC FOR NEW 3 BEDROOM HOUSE	TBD	KENT & DANA STIEN
BLD23-144	STRUCTURE PERMIT	REPLACEMENT 3,072 SF DWELLING	38594 498TH ST N MANKATO, MN 56003	THOMAS GOETTLICHER
BLD23-145	STRUCTURE PERMIT	NEW 8,160 SF ACCESSORY STRUCTURE	38594 498TH ST N MANKATO, MN 56003	THOMAS GOETTLICHER
BLD23-146	STRUCTURE PERMIT	MOVING 1,008 SF ACCESSORY STRUCTURE	44322 STATE HIGHWAY 111, NICOLLET, MN 56074	PAUL HONKEN
BLD23-147	SSTS PERMIT	REPLACEMENT SEPTIC SYSTEM FOR 3 BEDROOM HOUSE	36007 571ST AVE, LAFAYETTE, MN 56054	RHILEY FLUEGGE
BLD23-149	STRUCTURE PERMIT	24' X 24' ACCESSORY STRUCTURE	44495 367TH AVE, ST. PETER, MN 56082	MARY & FRED KREYKES
FDL23-150	FEEDLOT CONSTRUCTION PERMIT	122' X 177' TOTAL CONFINEMENT BARN WITH UNDER BARN CONCRETE PIT	13.132.0800	CHUCK PETERS
BLD23-151	STRUCTURE PERMIT	122' X 177' TOTAL CONFINEMENT BARN WITH CONCRETE PIT. SEE PLN23-07	NOT YET ASSIGNED	PETERS FAMILY LLLP
BLD23-152	SSTS PERMIT	REPLACEMENT SYSTEM FOR A 4 BEDROOM HOUSE	36995 351ST LN, ST. PETER, MN 56082	MARK OSBORNE TRUST
BLD23-153	SSTS PERMIT	HOLDING TANK FOR HOG BARN SEWAGE	651ST AVE, GIBBON, MN 55335	JOHN & VALERIE RIEKE
BLD23-154	SSTS PERMIT	HOLDING TANK FOR SHOP	49661 350TH ST, LAFAYETTE, MN 56054	MARK LAGARE
BLD23-155	SSTS PERMIT	REPLACEMENT SEPTIC FOR A 2 BEDROOM HOUSE	52412 415TH AVE, NORTH MANKATO, MN 56003	DIANE SEVERTSON
BLD22-182	SSTS PERMIT	REPLACEMENT SEPTIC SYSTEM FOR A 3 BEDROOM HOUSE; REQUIRES VARIANCE	46500 US HIGHWAY 169, ST. PETER, MN 56082	MARJORIE CARLSON
BLD23-157	STRUCTURE PERMIT	NEW 30' X 30' GARAGE/ RAIN GARDEN. APPROVED VIA PLN23-10	41427 595TH LN, NEW ULM, MN 56073	DANIEL & JULIE LONG
PLN23-18	CONDITIONAL USE PERMIT	REPLACEMENT HUNTING SHACK	TBD	ROBERT SCHUCK
PLN23-20	VARIANCE	SEPTIC VARIANCE	46500 US HIGHWAY 169, ST. PETER, MN 56082	KEITH CARLSON TRUST
BLD23-158	SSTS PERMIT	TANK REPLACEMENT FOR A 2 BEDROOM HOUSE	42174 520TH ST., NORTH MANKATO, MN 56003	DAN & LAURA BULTMAN
BLD23-159	SSTS PERMIT	REPLACEMENT SEPTIC SYSTEM	45684 367TH ST., ST. PETER, MN 56082	TRAVIS OACHS
BLD23-160	SSTS PERMIT	REPLACEMENT SEPTIC FOR A 4 BEDROOM HOUSE	36483 631ST AVE, GIBBON, MN 55335	EUGENE RANWEILER
BLD23-161	STRUCTURE PERMIT	NEW 3003 SF DWELLING	NOT YET ASSIGNED	BENJAMIN SNEER
BLD23-162	SSTS PERMIT	REPLACEMENT SEPTIC SYSTEM FOR A 4 BEDROOM HOUSE	37080 COUNTY ROAD 4, LAFAYETTE, MN 56054	GARY HOPP
BLD23-165	SSTS PERMIT	NEW SEPTIC SYSTEM FOR A NEW 3 BEDROOM HOUSE	COUNTY ROAD 13, NORTH MANKATO, MN 56003	BEN AND ABBY SNEER



OCTOBER 10, 2023
OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY

The Nicollet County Drainage Authority met in regular session on Tuesday, October 10, 2023 following the adjournment of the regular Board of Commissioners meeting. Present at the meeting were Commissioners Kolars, Dranttel, Morrow, Dehen, and Zins. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer and Recording Secretary Sarah Frahm.

Approval of Agenda

Motion by Commissioner Dehen and seconded by Commissioner Dranttel to approve the agenda. Motion carried with all voting in favor.

Consent Agenda

Motion by Commissioner Dehen and seconded by Commissioner Morrow to approve the consent agenda items as follows:

1. September 26, 2023 Regular Drainage Minutes
2. Consider Ditch Repair Reports 23-002 through 23-015

Motion carried with all voting in favor.

Public Appearances

There were no public appearances.

Adjourn

The meeting was adjourned at 9:18 a.m.

JACK KOLARS, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

Nicollet County Drainage Authority

Meeting Agenda Item



Agenda Item: Consider Ditch Repair Reports 23-017 through 23-021		
Primary Originating Division/Dept.: Public Works Contact: Nate Henry Title: Drainage Inspector Amount of Time Requested: 5 minutes Presenter: Nate Henry Title: Drainage Inspector	Meeting Date: 10/24/2023 Item Type: Regular Agenda <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: Facilities and Space - preserve, maintain and build our assets <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: The attached ditch repairs are being made to repair portions of the CD 62-A ditch system as a result of the improvement project that began in 2014. Payment for the repairs will come from the 1.5 million dollar settlement amount.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Drainage Authority 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 ditch repair reports 23-017 through 23-021		
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify: Settlement funds FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = 0 State <small>(Select One)</small> Total: \$30000	

Nicollet County DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 62-A Repair #23-017



OVERVIEW

Date Repair Was Created:	2023-10-18	Branch:	One
Problem/Proposed Work:	The county tile has collapsed and is holding blocking the flow of water. Landowners are requesting the ditch system repair the damaged section of tile.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	None	FEMA Date:	None

REPAIR LOCATION DETAILS

Commissioner District:	1	Township:	New Sweden
Twp:	111N	Range:	28W
Section:	15	Qtr-Qtr Section:	
Latitude:	44.4267786536308	Longitude:	-94.17045386497513
Parcel Number:	08.015.0300		
Location Details			

PERSON REQUESTING REPAIR

Nicollet County
DRAINAGE DEPARTMENT
REPAIR REPORT

For Staff Documentation & Contractor Information

Name	Address	Phone
Harlen Nelson	None	None

LANDOWNER

Name	Address	Phone
Vagts Richard & Lynette Vagts	11814 191st Ave NW	None

STATUS LOG

Action	Date	Initials	Notes
For Review	10/18/2023	nhenry	None
For Review	10/18/2023	nhenry	None

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
--------	------	------------	----------	-------

REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2023-10-18	Lafayette Excavating	5000	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
-------	------	------------	-----------	------------	-------

INSPECTION LOG

Date	Initials	Notes
2023-10-18	nhenry	The tile was inspected and found to be collapsed

Nicollet County DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 62-A Repair #23-018



OVERVIEW

Date Repair Was Created:	2023-10-18	Branch:	pond outlet structure
Problem/Proposed Work:	The old county tile was not capped during the improvement project, the old tile is now creating a washout around the pond outlet structure.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	None	FEMA Date:	None

REPAIR LOCATION DETAILS

Commissioner District:	1	Township:	New Sweden
Twp:	111N	Range:	28W
Section:	14	Qtr-Qtr Section:	
Latitude:		Longitude:	
Parcel Number:	08.014.0300		
Location Details			

PERSON REQUESTING REPAIR

Nicollet County
DRAINAGE DEPARTMENT
REPAIR REPORT

For Staff Documentation & Contractor Information

Name	Address	Phone
Ditch inspector	None	None

LANDOWNER

Name	Address	Phone
Beth Kinkeade	524 Risedorph	None

STATUS LOG

Action	Date	Initials	Notes
For Review	10/18/2023	nhenry	None

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
--------	------	------------	----------	-------

REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2023-10-18	Lafayette Excavating	500	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
-------	------	------------	-----------	------------	-------

INSPECTION LOG

Date	Initials	Notes
2023-10-18	nhenry	Site was inspected and a large suck hole was marked

Nicollet County DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 62-A Repair #23-019



OVERVIEW

Date Repair Was Created:	2023-10-18	Branch:	Main open ditch
Problem/Proposed Work:	Landowners are requesting the ditch system level the spoil piles along both side of the ditch as well as clean out the sediment trap in the pond. There are numerous rocks and trees to be disposed of.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	None	FEMA Date:	None

REPAIR LOCATION DETAILS

Commissioner District:	1	Township:	New Sweden
Twp:	111N	Range:	28W
Section:	13	Qtr-Qtr Section:	
Latitude:	44.420689859324945	Longitude:	-94.14962491281625
Parcel Number:	08.013.0205		
Location Details			

Nicollet County
DRAINAGE DEPARTMENT
REPAIR REPORT

For Staff Documentation & Contractor Information

PERSON REQUESTING REPAIR

Name	Address	Phone
Byron Norell	34497 441st Ave	None

LANDOWNER

Name	Address	Phone
Byron Norell	34497 441st Ave	None

STATUS LOG

Action	Date	Initials	Notes
For Review	10/18/2023	nhenry	None

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
--------	------	------------	----------	-------

REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2023-10-18	Dvorak Excavating	16000	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
-------	------	------------	-----------	------------	-------

INSPECTION LOG

Date	Initials	Notes
------	----------	-------

Nicollet County
DRAINAGE DEPARTMENT
REPAIR REPORT

For Staff Documentation & Contractor Information

Name	Address	Phone
Ditch inspector	None	None

LANDOWNER

Name	Address	Phone
numerous landowners along the open ditch	None	None

STATUS LOG

Action	Date	Initials	Notes
For Review	10/18/2023	nhenry	None

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
--------	------	------------	----------	-------

REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2023-10-18	Sample Vendor	7000	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
-------	------	------------	-----------	------------	-------

INSPECTION LOG

Date	Initials	Notes
2023-10-18	nhenry	

INSPECTION PHOTOS

Nicollet County DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 62-A Repair #23-021



OVERVIEW

Date Repair Was Created:	2023-10-18	Branch:	one
Problem/Proposed Work:	The Landowner is requesting the ditch system cut off and cap the inspection tee.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	None	FEMA Date:	None

REPAIR LOCATION DETAILS

Commissioner District:	1	Township:	New Sweden
Twtp:	111N	Range:	28W
Section:	14	Qtr-Qtr Section:	
Latitude:		Longitude:	
Parcel Number:	08.014.0105		
Location Details			

PERSON REQUESTING REPAIR

Nicollet County
DRAINAGE DEPARTMENT
REPAIR REPORT

For Staff Documentation & Contractor Information

Name	Address	Phone
Harlen Nelson	44727 360th St	None

LANDOWNER

Name	Address	Phone
None	None	None

STATUS LOG

Action	Date	Initials	Notes
For Review	10/18/2023	nhenry	None

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2023-10-18	Lafayette Excavating	1500	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
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INSPECTION LOG

Date	Initials	Notes
2023-10-18	nhenry	

INSPECTION PHOTOS

NICOLLET
COUNTY EST. 1853

Agenda Item: CD30A Public Hearing Regarding Petition for Partial Abandonment		
Primary Originating Division/Dept.: Public Services		Meeting Date: 10/24/2023
Contact: Jaci Kopet	Title: PPSD Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested: 30 minutes		
Presenter: Jaci Kopet		Title: PPSD Director
		Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: (Select One) Programs and Services - deliver value-added quality services		
BACKGROUND/JUSTIFICATION: A petition for Partial Abandonment of CD30A occurred on August 28, 2023. The County Board set the public hearing date for October 24, 2023 at 10:00 am. Attached is the petition as well as tile agreements between landowners. A redetermination of benefits for CD 30A is also pending on this drainage system. If the Petition is granted, the appointed viewers will render their report to reflect the partial abandonment. The partial abandonment will not end benefits being assessed to the property located within the watershed boundaries of CD 30A. As part of the redetermine of benefits, the viewers used the services of Engineer Steve Penkava, Jones, Haugh & Smith Inc. to establish the watershed for CD 30A. Engineer Penkava created a map of the sub-watershed served by the section of CD 30A proposed to be abandoned. The sub-watershed map is included in the Board packet.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Drainage Authority 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 checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A		
ACTION REQUESTED: The Drainage Authority will be asked after public comment to accept or deny the petition.		
FISCAL IMPACT: Other (Select One) If "Other", specify:		FUNDING County Dollars = State (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:		Total:

GISLASON & HUNTER LLP
ATTORNEYS AT LAW

August 24, 2023

Dean M. Zimmerli
507-354-3111
dzimmerli@gislason.com

Nicollet County Auditor
Nicollet County Government Center
501 S Minnesota Ave
St Peter, MN 56082

Re: Nicollet County Ditch 30
Our File No. 35041-1



Dear Auditor:

Enclosed for filing pursuant to Minn. Stat. § 103E.806, enclosed please find a Petition for Partial Abandonment of Nicollet County Ditch 30-A with the accompanying Drainage Tile and Easement Agreement attached as Exhibit A. The petitioners respectfully request that the drainage authority set a hearing on the Petition. I would appreciate if you could let me know the time and place of the hearing once it is set. Please let me know if there are any questions.

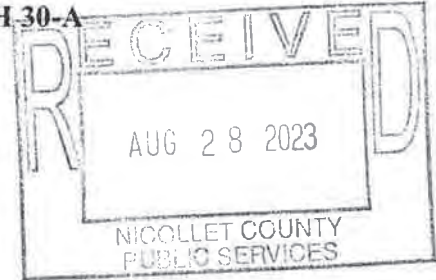
Best regards,

Dean M. Zimmerli

DMZ:JH
Enclosure

4864-7487-2186.1

**STATE OF MINNESOTA
BEFORE THE NICOLLET COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY
FOR NICOLLET COUNTY DITCH 30-A**



In the Matter of:

Petition for Partial Abandonment
of Nicollet County Ditch 30-A

PETITION

Pursuant to Minn. Stat. § 103E.806, Petitioners Timothy A. Waibel and Mary Jean Waibel, through their undersigned counsel, seek abandonment of a portion of Nicollet County Ditch 30-A ("CD 30-A"). For their Petition, the undersigned Petitioners state and allege the following:

1. Petitioners seek to abandon a portion of the mainline branch of CD 30-A and, located in Sections 7 and 18 of Granby Township, Nicollet County, Minnesota, in conjunction with Petitioners' plan replace the open ditch portion of CD 30-A on their property with a buried tile line .

2. The portion of the mainline of CD 30-A that is sought to be abandoned is the entire part upstream the section line between Sections 17 and 18 of Granby Township and upstream of the intersection of Branch 22 with the mainline of CD 30-A, and is described as follows: starting immediately west of at the intersection of the mainline open ditch of CD 30-A with the section line between Sections 17 and 18, thence continuing generally west through Section 18 of Granby Township through parcel 05-018-0200 to the western edge thereof where it continues north and connects with a buried tile portion of the mainline of CD 30-A, then continuing north into the southwest corner of parcel 05-007-0605, thence continuing west under Nicollet County Road 4 whereupon it terminates in the southeast corner of parcel 05-007-0400.

3. To allow for more flexibility in the placement and continued maintenance of the drainage system located on Petitioners' property, and to allow for the conversion of the open ditch into a buried tile, Petitioners request that the above-described portions of the mainline of CD 30-A be abandoned and maintained as a private drainage system going forward.

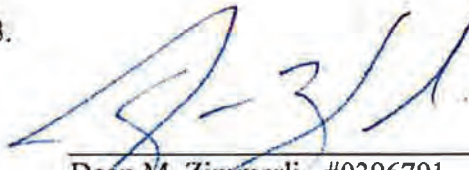
4. All of the landowners served directly by the section of the mainline of CD 30-A sought to be abandoned have entered into a cooperative Drainage Easement, attached hereto as Exhibit A, which provides for the continued use and maintenance of the drainage system which is now part of CD 30-A. Because a private drainage easement exists between the landowners served directly by this part of CD 30-A, the continued public maintenance and upkeep of the tile

line is unnecessary, and this part of CD 30-A is not of public benefit and utility and does not serve a substantial useful purpose to property remaining in the system.

5. All of the landowners served directly by the portions of CD 30-A sought to be abandoned have joined in this petition and consent to the abandonment.

6. Petitioner requests that the drainage authority conduct a public hearing, pursuant to Minn. Stat. § 103E.806, subd. 3(b), and make findings and an order determining that the portion of the mainline of CD 30-A upstream of section line between Sections 17 and 18 of Granby Township be abandoned.

Dated this 22 day of Aug, 2023.



Dean M. Zimmerli #0396791
dzimmerli@gislason.com
GISLASON & HUNTER LLP
2700 South Broadway
P. O. Box 458
New Ulm, MN 56073-0458
Phone: 507-354-3111
Fax: 507-354-8447

*Attorneys for Petitioners Timothy A. Waibel and
Mary Jean Waibel*

Name of Petitioner(s) (please print or type):

Ownership (check one):

Statement of Authority:

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

Dated: 8-18-23

Dated: 8-18-23

Tim Waibel

Mary Waibel

SIGNATURE PAGES FOR
PETITION FOR PARTIAL ABANDONMENT OF
NICOLLET COUNTY DITCH 30-A

Name of Petitioner(s) (please print or type):

Dennis Hopp

Ownership (check one):

☒ Individual
☐ Co-Owners (# of co-owners: _____)
☐ Partner (name of partnership: _____)
☐ Corporation or limited liability company (name of corporation or LLC: _____)
☐ Trust (complete name of trust: _____)
☐ Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

<u>Tract Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>County</u>
<u>NENW, SENW</u>	<u>18__</u>	<u>110__</u>	<u>28__</u>	<u>Nicollet__</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 8-14-23

Dennis Hopp
Dennis Hopp

Name of Petitioner(s) (please print or type):

Ownership (check one):

4887-6612-6701.v1

SIGNATURE PAGES FOR
PETITION FOR PARTIAL ABANDONMENT OF
NICOLLET COUNTY DITCH 30-A

Name of Petitioner(s) (please print or type):

Karen Drummer

Ownership (check one):

☒ Individual
☐ Co-Owners (# of co-owners: _____)
☐ Partner (name of partnership: _____)
☐ Corporation or limited liability company (name of corporation or LLC: _____)
☐ Trust (complete name of trust: _____)
☐ Other (explanation: _____)

Statement of Authority:

The undersigned states and represents that if he or she is executing in a representative capacity, he or she has the authority to execute on behalf of the respective partnership, corporation, limited liability company, trust or other such entity.

The above-named Petitioner(s) owns the following tract(s) which the proposed improvement will pass over or which is affected by the proposed improvement.

<u>Tract Description</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>County</u>
NESE, SESE	7__	110__	28__	Nicollet__
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Dated: 8-14-23


Karen Drummer

EXHIBIT A

DRAINAGE TILE AND EASEMENT AGREEMENT

This Drainage Tile and Easement Agreement (“**Agreement**”) is made by and between Timothy A. Waibel and Mary Jean Waibel, husband and wife (“**Waibel**”); and Timothy Compart and Susan Compart, husband and wife (“**Compart**”); Melvin Hopp and Janelle Hopp, husband and wife (“**Hopp**”); Dennis Hopp, a single person (“**Dennis Hopp**”); the Trustees under the Trust Agreement of John A. Krohn dated November 18, 2016 and Trust Agreement of Diane K. Krohn dated November 18, 2016, and any amendments thereof (collectively “**Krohn**”); and Karen Drummer, a single person (“**Drummer**”). (Waibel, Compart, Hopp, Dennis Hopp, Krohn, and Drummer are hereinafter sometimes referred to separately as a “**Party**” or collectively as “**Parties.**”)

RECITALS

1. Waibel owns certain real property located in Nicollet County, Minnesota, which is legally described as follows:

The West Half of the Southeast Quarter (W½ SE¼) of Section 7, Township 110, Range 28, Nicollet County, Minnesota, EXCEPTING THEREFROM: The South 225.17 feet of the North 490.17 feet of the West 455.00 feet of the Northwest Quarter of the Southeast Quarter of Section 7, Township 110, Range 28, Nicollet County, Minnesota;

AND ALSO EXCEPTING: The North 265.00 feet of the West 455.00 feet of the Northwest Quarter of the Southeast Quarter of Section 7, Township 110, Range 28, Nicollet County, Minnesota.

PID: 05.007.0605

AND

The North Half of the Northeast Quarter (N½ NE¼) of Section 18, Township 110, Range 28, Nicollet County, Minnesota.

PID: 05.018.0200

(“Waibel Property”).

2. Compart owns certain real property located in Nicollet County, Minnesota, which is legally described as follows:

The North Half of the South Half of the Northeast Quarter ($N\frac{1}{2} S\frac{1}{2} NE\frac{1}{4}$), Section 18, Township 110 North, Range 28 West, Nicollet County, Minnesota.

PID: 05.019.0100 (part of)

(“Compart Property”).

3. Hopp owns certain real property located in Nicollet County, Minnesota, which is legally described as follows:

The South Half of the Southwest Quarter of the Northeast Quarter ($S\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$) of Section 18, Township 110 North, Range 28 West, and also all that part of the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of Section 18 lying Northerly of center line of Nicollet County Highway No. 64, Nicollet County, Minnesota.

PID: 05.018.0800 (part of)

(“Hopp Property”).

4. Dennis Hopp owns certain real property located in Nicollet County, Minnesota, which is legally described as follows:

The South Half of the Southeast Quarter of the Northwest Quarter ($S\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$) and Government Lot Two (2) of Section 18, Township 110 North, Range 28 West, Nicollet County, Minnesota; EXCEPTING THEREFROM: All that part of the Northeast Quarter of the Southwest Quarter and all that part of Government Lot 2 in Section 18, Township 110 North, Range 28 West, described as: Commencing at the center of Section 18; thence South 0 degrees 00 minutes 00 seconds West (assumed bearing) along the North-South centerline of Section 18, a distance of 1062.6 feet; thence North 80 degrees 09 minutes 06 seconds West, 12.21 feet to a point on the centerline of a township road, said point being the point of beginning; thence South 0 degrees 40 minutes 54 seconds West along said township road centerline, 741.86 feet; thence South 90 degrees 00 minutes 00 seconds West, 25 feet more or less to a point on the water's edge of Swan Lake; thence Westerly and Northerly along said water's edge, 1400 feet more or less to point of intersection with a line which bears North 80 degrees 09 minutes 06 seconds West from the point of beginning; thence South 80 degrees 09 minutes 06 seconds East, 700 feet to the point of beginning. Said tract contains 11.8 acres of land more or less and is subject to an easement for roadway purposes over and across the Easterly 33.00 feet, subject to roadways.

AND

The North Half of the Southeast Quarter of the Northwest Quarter (N½ SE¼ NW¼) and the South Half of the Northeast Quarter of the Northwest Quarter (S½ NE¼ NW¼) of Section 18, of Township 110 North, of Range 28 West; Nicollet County, Minnesota, subject to roads and easements of record.

AND

The North Half of the Northeast Quarter of the Northwest Quarter (N½ NE¼ NW¼) and the North Half of the Northwest Quarter of the Northwest Quarter (N½ NW¼ NW¼) of Section 18, of Township 110 North, of Range 28 West, Nicollet County, Minnesota.

AND

The South Half of the Northwest Quarter of the Northwest Quarter (S½ NW¼ NW¼) and Government Lot One (1), all in Section 18, Township 110 North, of Range 28 West, Nicollet County, Minnesota, subject to existing roads.

PID: 05.018.0500.

(“Dennis Hopp Property”).

5. Krohn owns certain real property located in Nicollet County, Minnesota, which is legally described as follows:

The East 1320 feet of the Southwest Quarter (SW¼) in Section 7, Township 110 North, Range 28 West of the 5th P.M., Nicollet County, Minnesota, EXCEPTING THEREFROM: Parcels “38N1 and 54N1 & 54N2” of Nicollet County Right-of-Way Plat No. 21, for CSAH 5, according to the plat thereof on file in the office of the Nicollet County Recorder.

PID: 05.007.0400

(“Krohn Property”).

6. Drummer owns certain real property located in Nicollet County, Minnesota, which is legally described as follows:

The South Half of the Southeast Quarter (S½ SE¼), Section 6; and the East Half of the Northeast Quarter (E½ NE¼); and the East Half of the Southeast Quarter (E½ SE¼), Section 7, all in Township 110 North, Range 28 West, Nicollet County, Minnesota, EXCEPTING THEREFROM: Parcel “42N1, 42N2 & 42N3” of Nicollet County Right-of-Way Plat No. 21, for CSAH 5, according to the plat thereof on file in the office of the Nicollet County Recorder.

PID: 05.007.0300

("Drummer Property"). (Waibel Property, Compart Property, Hopp Property, Dennis Hopp Property, Krohn Property, and Drummer Property, collectively "**Property.**")

7. There exists an a portion of a public drainage system known as Nicollet County Ditch 30-A ("**CD 30-A**") over the Waibel Property commencing with a buried tile at the southeast corner of the Krohn Property, thence continuing east under Nicollet County Road 4 whereupon it immediately continues south until it outlets into the open ditch of CD 30-A and then continues generally easterly across the Waibel Property to the eastern boundary of the Waibel Property and continues easterly from there. Waibel wishes to abandon the open ditch and in its stead, at Waibel's sole expense, install a buried tile system ("**New System**") that if approved by the Drainage Authority for Nicollet County, Minnesota, will be subject to the terms and conditions of this Agreement.

8. The purpose of this drainage and tile easement is to provide for the ongoing use and maintenance of that portion of CD 30-A which traverses the Parties' properties as the same may be modified and relocated from time to time in accordance with this Agreement (the "**Tile Line**"). The approximate current locations and courses of the existing mainline of CD 30-A contemplated to be abandoned and replaced are as highlighted in red on the Tile Map, attached hereto as Exhibit A hereto; provided, however, that the exact location of the Tile Line may be modified as set forth in this Agreement and may not precisely match this depiction or the existing location of that part of CD 30-A to be abandoned, and it is understood that the actual location of the Tile Line as installed or subsequently modified shall control the location of the Easement Area as hereinafter defined.

9. The Parties have reached an agreement with respect to the use, maintenance, and modification of the Tile Line, to include the New System, and wish to reduce their agreement to writing.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and the mutual covenants, conditions, and terms contained herein, the Parties agree as follows:

1. Condition Precedent.

The effectiveness of this Agreement is specifically conditioned upon action by the Drainage Authority for CD 30-A granting a Petition for partial abandonment as to that part of CD 30-A that traverses the Waibel Property and with that the subsequent construction of the New System. If such Petition is not granted, this Agreement shall not be recorded and shall instead be null and void and of no effect.

2. Grant of Easements.

In exchange for various consideration, the Parties hereby grant and declare a reciprocal drainage and tile easement for the purposes of the installation, use, repair, maintenance, upgrade, replacement, and preservation (all collectively "**Maintenance**") of the Tile Line ("**Drainage**

Easement”), including the establishment of an “Easement Area” which shall consist of a strip of land lying 25 feet on both sides of the Tile Line as installed or subsequently modified.

3. Modification of CD 30-A.

Each party acknowledges and agrees that Waibel may replace the portion of CD 30-A on his property with buried drainage tile in a location and alignment chosen at Waibel’s discretion, which New System shall constitute the Tile Line. Waibel shall reconnect to the new Tile Line any existing drainage tile lines serving any other Party’s property that currently outlet into the CD 30-A open ditch. In the event of a failure of the connection of an existing tile line to the Tile Line, Waibel shall be responsible for repairing such connection.

4. Maintenance and Payment of Expenses.

- (a) Each Party shall pay all costs related to Maintenance of the part of the Tile Line located on their respective property. Each Party shall timely complete all necessary Maintenance of the Tile Line on their respective Property as defined herein, to ensure the proper functioning of the Tile Line. At the time of making this Agreement, all of the Tile Line to be installed that will replace the open ditch is located on the Waibel Property, and thus maintenance of the new Tile Line will be the responsibility of Waibel or successors.
- (b) All Maintenance shall be performed in a customary and workmanlike manner and in accordance with industry standards.

5. No Additional Lands.

No other connections or additional lands will be permitted to connect to or utilize the Tile Line for the purpose of allowing artificial drainage other than the areas of the Property already draining into and benefitted by the mainline of CD 30-A, unless each of the Parties consents in writing.

6. Right of Entry.

This Drainage Easement includes a perpetual right of entry (“**Right of Entry**”) over, on, through, and across the Easement Area. This Right of Entry is limited to the purposes of ingress, egress, and access for their respective property and the Maintenance of the Tile Line. This Right of Entry also shall extend to access in order to conduct tile probing or minimally invasive inspection. This Right of Entry shall be subject to the following terms and conditions.

- (a) Condition of Property. Immediately following any Maintenance of the Tile Line allowed under this Agreement, the Party performing the Maintenance will cause to be removed from the Easement Area all debris, surplus materials and construction, repair or maintenance equipment, and will return the Easement Area as nearly as practicable to its original condition, taking into consideration the nature of the work

being performed, including reinstallation/reconnection of any private tile or branch tile line impacted by the Maintenance on the Tile Line.

- (b) Limited Right of Entry. If any of the Parties fail to complete necessary Maintenance of the Tile Line on their respective Property within a reasonable time of discovery of the condition requiring Maintenance, the other Parties shall be permitted to enter upon the other's Property for the purpose of completing the Maintenance. This right of entry shall not allow installation of additional tile lines across another Parties' property.
- (c) Costs of Repair Upon Right of Entry. If any Party fails to complete necessary Maintenance of the Tile Line on their respective Property necessitating that another Party exercise their right of entry under this Section 5, the defaulting Party shall be responsible for reimbursing the other Party for the reasonable costs of completing the Maintenance.
- (d) Reasonable Measures to Prevent Damage. During Maintenance of the Tile Line, the Party performing the Maintenance or repair shall take all reasonable measures to prevent damages to improvements, including drainage branch lines located within the Easement Area. In the event that branch lines, fences, driveways, or other improvements are removed or damaged during the Maintenance referred to in this Section 5, the Party performing the Maintenance shall cause such improvements in the Easement Area to be repaired and restored as nearly as practicable to its original condition.
- (e) Damage to Crops. In performing Maintenance of the Tile Line, the Party performing Maintenance or repair shall enter the Easement Area in such a manner so as to not unreasonably damage any crops. If entry is required that would cause damage to crops, the Party or Parties responsible for payment of the Maintenance being performed shall also pay crop loss damage based upon a reasonable estimate of the lost yield from the number of acres damaged multiplied by the Nicollet County posted commodity price for the crop determined as of the time of the damage. Payment for crop loss shall be made within thirty (30) days of completion of the Maintenance.
- (f) Construction Area. This Agreement also includes the right to temporarily place excavated material outside the Easement Area during periods when Maintenance or repair is being performed; provided, however, that any such temporary placement of such excavated material shall not interfere with any Party's use of any building(s), building site(s), growth, shelter belt(s), access, or driveway(s). Any crop loss damage caused by such placement of materials shall be compensated as provided in Section 5(e).
- (g) Third-Party Entry. This Right of Entry and any restrictions thereto over, on, through, and across the Easement Area shall extend to agents or contractors hired by a Party or Parties to perform Maintenance of the Tile Line.

7. **Additional Terms.**

- (a) **Interference by Parties Prohibited.** No Party shall, in any manner, interfere with any other Party's rights in the Easement Area set forth herein.
- (b) **Reservation by Parties.** Each Party reserves all rights of ownership in and to the Easement Area which are not inconsistent with the Easement and Right of Entry.
- (c) **Easement Runs with the Land.** The Easement agreed to herein shall be deemed to be a perpetual easement and shall run with the land and be binding upon the Parties, and each of them, their heirs, successors and assigns and the Properties.
- (d) **Parties' Covenants.** Each Party specifically covenants with the other that:
 - (i) The Party holds his/her/its Property, including the Easement Area, in fee simple title;
 - (ii) The Party has full and good lawful authority to execute this Easement for the purposes stated.
- (e) **Other Use of Easement Area by Parties Prohibited.** No Party shall, within the Easement Area, erect any fences or other structures over, on, through, across or within the Easement Area, except the Tile Line, nor shall a Party cause or permit any obstruction of trees or woody vegetation to be placed over, under, on, through, across or within the Easement Area or in any manner interfere with the function of the Tile Line.
- (f) **Notice to Parties Prior to Maintenance.** Except where emergency Maintenance is necessary, no Party shall begin Maintenance of the Tile Line without first notifying the other Parties, which notice may be made orally or in writing and shall include a description of the work to be performed, the area where the work will take place, and the anticipated date of completion of the work. When emergency Maintenance is necessary, a Party, as the case may be, will give such prior notice as is reasonably possible under the circumstances at the time, and access shall be as soon as possible.
- (g) **Specific Performance.** The Parties acknowledge and agree that because of the nature of the rights created hereunder, should any Party breach this Agreement, specific performance to enforce the terms of the Agreement shall be an available remedy. If any Party or Parties brings an action in the Nicollet County, Minnesota, District Court relating to this Agreement, its enforcement, or a Party's compliance herewith, or otherwise, the prevailing Party in such action shall be entitled to reimbursement for such Party's out-of-pocket costs and expenses including reasonable attorney's fees.

- (h) Governing Law, Venue. This Agreement shall be governed by the laws of the State of Minnesota, and any action relating to this Agreement shall be commenced and pursued in the Nicollet County, Minnesota, District Court.
- (i) Severability. If any provision of this Agreement shall be invalid, illegal, or otherwise unenforceable, such provision shall be severable from the remainder of this Agreement and the validity, legality, or enforceability of the remaining provisions shall not be adversely affected or impaired thereby and shall remain in full force and effect.
- (j) Counterparts. This Agreement may be executed in two or more counterparts, all of which shall be considered one and the same Agreement and shall become effective when two or more counterparts have been signed by all of the Parties and delivered to the other Party.
- (k) Construction/Interpretation. The Parties agree that, if any dispute arises regarding the interpretation of this Agreement, the Agreement shall be interpreted mutually, not in favor of or against any of the Parties.
- (l) Recitals Incorporated. The recitals set forth at the beginning of this Agreement are deemed incorporated herein, and the Parties represent they are true and correct.
- (m) Amendments. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by all Parties.
- (n) Complete Agreement. This Agreement constitutes the complete agreement of the Parties concerning the matters set forth herein and supersedes any or prior discussions or negotiations regarding the subject matter of this Agreement.

[signature pages follow]



Timothy A. Waibel



Mary Jean Waibel

STATE OF MINNESOTA)
) ss.
COUNTY OF Brown)

The foregoing instrument was acknowledged before me on 8-18, 2023, by Timothy A. Waibel and Mary Jean Waibel, husband and wife.


(Stamp)





Signature of Notary Public or Other Official

Timothy Compart

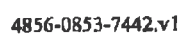

Susan Compart

STATE OF MINNESOTA)
) ss.
COUNTY OF Nicollet)

The foregoing instrument was acknowledged before me on 7/25/, 2023, by Timothy Compart and Susan Compart, husband and wife.

(Stamp)

David Tye
Signature of Notary Public or Other Official



Melvin Hopp

Melvin Hopp

Janelle Hopp

Janelle Hopp

STATE OF MINNESOTA)
) ss.
COUNTY OF Brown)

The foregoing instrument was acknowledged before me on Aug 14, 2023, by
Melvin Hopp and Janelle Hopp, husband and wife.

(Stamp)

Nancy Wetzel

Signature of Notary Public or Other Official



Dennis Hopp

Dennis Hopp

STATE OF MINNESOTA)
) ss.
COUNTY OF Niangua)

The foregoing instrument was acknowledged before me on Aug 11, 2023, by
Dennis Hopp, a single person.

(Stamp)



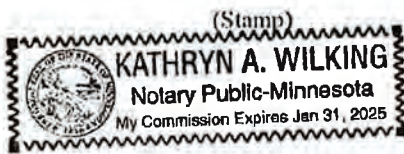
Pamela J Zimmerman

Signature of Notary Public or Other Official

John Krohn, Trustee
Diane Krohn, Trustee

STATE OF MINNESOTA)
) ss.
COUNTY OF Nicollet)

The foregoing instrument was acknowledged before me on July 19th, 2023, by John Krohn and Diane Krohn, the Trustees under the Trust Agreement of John A. Krohn dated November 18, 2016.

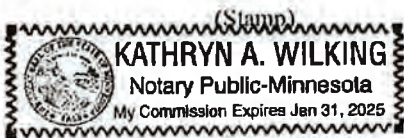


Kathryn A. Wilking
Signature of Notary Public or Other Official


John Krohn, Trustee
Diane Krohn, Trustee

STATE OF MINNESOTA)
) ss.
COUNTY OF Nicollet)

The foregoing instrument was acknowledged before me on July 19th, 2023, by John Krohn and Diane Krohn, the Trustees under the Trust Agreement of Diane K. Krohn dated November 18, 2016.

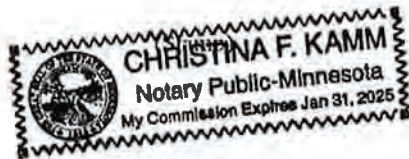



Kathryn A. Wilking
Signature of Notary Public or Other Official


Karen Drummer

STATE OF MINNESOTA)
COUNTY OF Nicollet) ss.

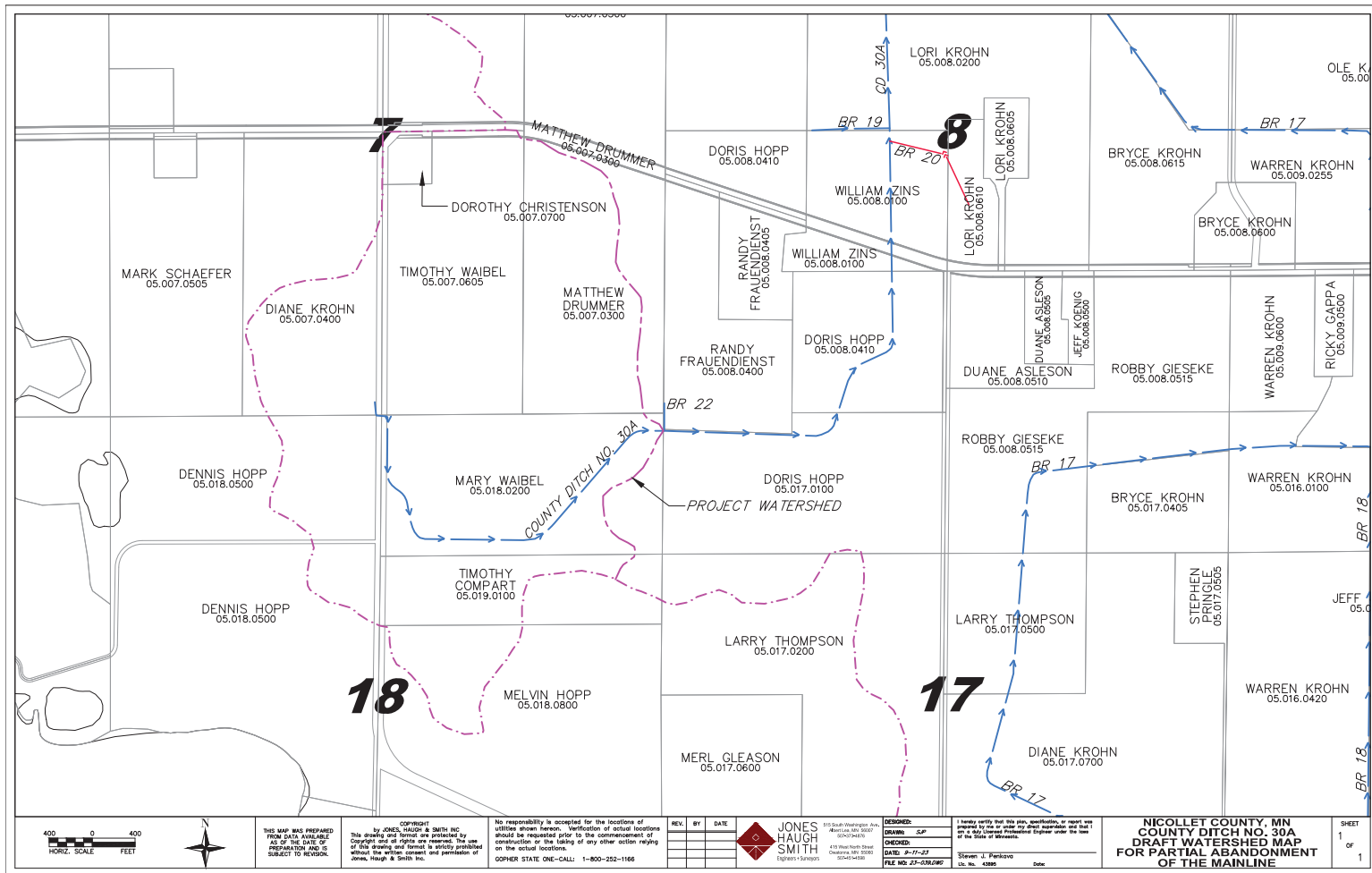
The foregoing instrument was acknowledged before me on August 14, 2023, by
Karen Drummer, a single person.




Signature of Notary Public or Other Official

(TILE MAP)





Nicollet County Drainage Authority Meeting Agenda Item



Agenda Item:

Continued CD77 Lateral 2 Public Hearing on the Final Acceptance of the Improvement Project and Levy Assessments

Primary Originating Division/Dept.: Public Services

Meeting Date: 10/24/2023

Contact: Jaci Kopet

Title: PPSP Director

Item Type: Regular Agenda
(Select One)

Amount of Time Requested 30 minutes

Presenter: Jaci Kopet

Title: PPSD Directdor

Attachments: ☒ Yes ☐ No

County Strategy: Programs and Services - deliver value-added quality services
(Select One)

BACKGROUND/JUSTIFICATION:

This is a continued public hearing for the Final Acceptance of CD77 Lateral 2 Improvement Project. This hearing is set for 10:30 am. The original hearing was held on September 26, 2023 at 10:00 am. Attached is the Final Acceptance report from ISG.

The public hearing was continued to obtain more information from ISG in regards to various concerns brought to the boards attention from landowners. ISG has provided a written response addressing each concern, please see the attached letter for more details. Chuck Brandel will be attending the public hearing to answer further questions.

If the drainage authority approves the Final Acceptance Report, I will be asking for the draining authority to approve by motion the levy to the landowners for the improvement project and other maintenance costs since last levy in the amount of \$716,347.90 Additional details of the costs are attached on the last page of the attachments. If approved I will be submitting Findings and Order for the levy at the next drainage authority meeting for final approval.

Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None

Prior Drainage Authority Action Taken on this Item: ☐ Yes ☒ No

If yes, when? (provide year; mm/dd/yy if known)

Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A

ACTION REQUESTED:

The Drainage Authority will be asked to approve or deny the proposed Findings for the Final Acceptance Hearing

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FUNDING

Drainage Authority Dollars =

Grant

(Select One)

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease" specify:

Related Financial/FTE Comments:

Total

OCTOBER 16, 2023

Jaci Kopet
Property & Public Services Director
Nicollet County Government Center
501 South Minnesota Avenue
St. Peter, MN 56082



RE: NICOLLET COUNTY DITCH NO. 77 CONTINUED FINAL ACCEPTANCE HEARING

ISG has reviewed the information discussed at the September 26, 2023, Final Acceptance Hearing in relation to Nicollet County Ditch No. 77 and the concerns brought up by landowners. A summary of the items discussed at the hearing are provided below as well as ISG's findings and recommendations.

EXISTING MAINLINE TILE – TIM WAIBEL PROPERTY

Multiple sinkholes have appeared in the Tim Waibel property in areas where the existing concrete Mainline tile has failed. The newly installed Mainline tile replaces the existing Mainline tile. Separable Maintenance is used to separate the cost of the repair from the cost of the improvement for the project. In order for this to be allowed, the existing Mainline tile is to be abandoned by the CD 77 system as part of the tile improvement. This abandonment will make the existing Mainline tile a private tile line and therefore will no longer be a part of the CD 77 system. The original tile line was cut off from the existing system. If the tile was crushed in multiple places it would cost approximately \$1500 per location to crush the tile not counting damages. If multiple areas were crushed this could cost \$6000 to \$7500. The estimated cost to fill the entire 1450 linear feet of abandoned tile would be \$25.60 per foot or \$37,120. Nicollet County confirmed that the plan that was completed to cross connect and bulkhead the line is what the Drainage Authority discussed prior to construction. During construction, the existing line was capped once at the far upstream end of the tile on the east side of the 561st Ave crossing.

ROCK PILE – JIM GIESEKE PROPERTY

During the Final Acceptance Hearing, Mr. Gieseke noted that there had been a rock pile left behind after construction activities were completed. Mr. Gieseke stated that the rock pile was located within the buffer strip, at approximately the Larry Seibel/Jim Gieseke property line and that he incurred some time/expense to remove it. ISG reviewed construction photos, daily reports and drone footage to verify if there had been any record of a rock pile or if one could be observed in photos or drone footage, Refer to Exhibit B attached. There was one punch list item generated on December 5, 2021 titled "Remove 2 rocks". This punch list item was marked complete on May 11, 2022 after Jensen removed these as part of a series of punch list and slough repairs. Review of other documentation was inconclusive. Refer to Appendix B attached for documentation related to the Gieseke rock pile. ISG recommends having Mr. Gieseke provide any documentation he can share (photos, notes, invoices, etc) to substantiate compensation for removal of the rock pile.

BRANCH 2-B TILE OUTLET – LARRY SEIBEL PROPERTY

Mr. Seibel expressed concern regarding a public main tile outlet on his property that he believed had been downsized during construction. Mr. Seibel stated that he believed Jensen Construction had mistakenly replaced the existing 12-inch outlet with 10 inch tile. The original project approved scope called for all public and private tile outlets to be armored rather than repaired. This tile outlet was repaired during construction as a change order item after it was found to be in very poor condition. The approved plans which were based on public records showed the Lateral 2-B outlet to be 10-inch tile plus a 10-inch outlet was measured by surveyors when the project was surveyed in the winter. Further research by Nate Henry during construction showed that the existing tile outlet should be 8-inch tile. Actual field conditions documented by ISG staff during construction found the outlet to be 10-inch plastic pipe shoved inside of 12-inch steel outlet pipe. Based on actual field conditions, ISG believes the Branch 2-B public outlet has been repaired correctly. Refer to Appendix C for documentation related to the Branch 2-B tile outlet.

PRIVATE TILE OUTLETS

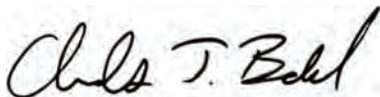
Multiple landowners expressed concerns with the condition of existing tile outlets that were armored during construction but not repaired that have been eroding ditch side slopes. The FER Report and cost estimate included costs to repair all public and private tile outlets encountered in the Improvement project. Prior to construction it was discussed with Nate Henry that all private tile outlets would just be armored and not replaced to save costs on the project.

ISG staff, Jensen staff and landowners expressed concerns with the condition of tile outlets during construction. Nicollet County authorized the repair of two public tile outlets (Branch 2-B and Branch 2-D) and instructed that all other outlets were not to be repaired under the CD 77 Improvement project scope.

ISG recommends repairing all of the failing tile outlets as soon as possible as there has been significant erosion observed in these areas that will likely further degrade after another winter freeze-thaw cycle. ISG reached out to Jamie Jensen to gauge interest in this work and request pricing. Jensen would prefer that the existing contract be accepted and final payment issued prior to performing this work which was not included in the original contract scope. Mr. Jensen stated that his schedule is full through the end of 2023 but would be willing to consider providing a quote to perform the work under a separate contract in the spring of 2024. There were a total of 19 tile outlets documented during construction that were not repaired with sizes ranging from 8 inch to 15 inch. Based on typical construction costs, ISG estimates \$35,000 to repair the 19 outlets. It is our suggestion that this work is completed outside of the improvement project as repairs run by County Staff.

ISG hopes that this memo provides the board with clarifications to the concerns and comments that were made. ISG will also be able answer any follow up questions that may arise from the discussion at the October 24, 2023, hearing.

Sincerely,



Chuck Brandel, PE
Vice President
Chuck.brandel@ISGInc.com

APPENDIX A: Rock Pile



Drone image – December 19, 2021



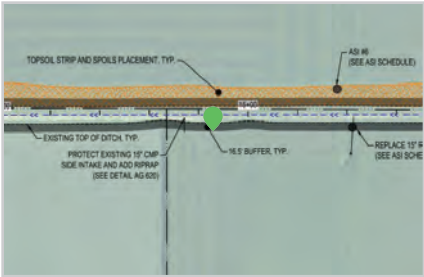
Drone Image – April 26, 2022



Drone Image – October 5, 2022



#14 - Remove 2 rocks
Completed | Aaron Trio | Punch List
Plan: 13 PLAN & PROFILE LATERAL 2-C OPEN DITCH
Created 12-05-2021 | Completed 05-11-2022

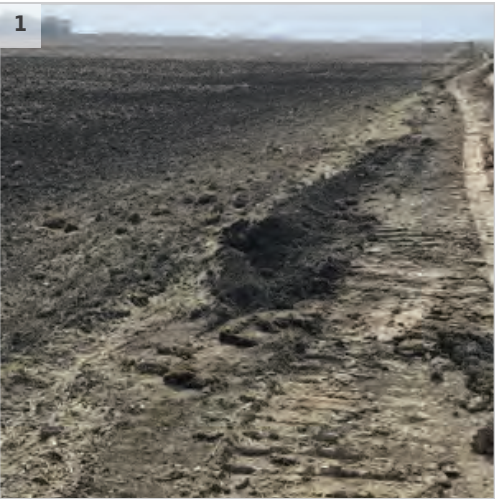


Task messages (time in CDT)

Darin Howell Photo 1

11 May 04:08 PM

Photos



APPENDIX B: Branch 2-B Outlet



Construction Photo – Existing Branch 2B outlet 11/19/2021



Construction Photo – Existing Branch 2B outlet 11/19/2021

Chris Adams

From: Nathan Henry <Nathan.Henry@co.nicollet.mn.us>
Sent: Monday, November 15, 2021 3:14 PM
To: Aaron Trio; Chuck Brandel; Chris Adams
Cc: Joe Donkers; Seth Greenwood
Subject: RE: Nicollet CD 77 Tile Outlets

The Size of lateral 2-B is shown as a 8" on my plans.

Nate Henry

Drainage Inspector- Nicollet County

☎ 507.931.1760 | 📠 507.934.7731



From: Aaron Trio <Aaron.Trio@ISGInc.com>
Sent: Monday, November 15, 2021 11:28 AM
To: Chuck Brandel <Chuck.Brandel@ISGInc.com>; Chris Adams <Chris.Adams@ISGInc.com>; Nathan Henry <Nathan.Henry@co.nicollet.mn.us>
Cc: Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: Re: Nicollet CD 77 Tile Outlets

Regarding the 10" outlet our plans called out a 10". When I talked to the Forman he said he connected a 10". Nate was going to look into his records on the size of that main. Nate were you able to find out what your records call for size of that county main? Ok. I flagged it for 33 but can change that.

Get [Outlook for iOS](#)



Aaron Trio

Construction Administrator
Employee Owner

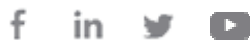
P 507.387.6651

C 507.995.8417

E Aaron.Trio@ISGInc.com

A 115 East Hickory Street + Suite 300 + Mankato, MN 56001

W ISGInc.com



From: Chuck Brandel <Chuck.Brandel@ISGInc.com>
Sent: Monday, November 15, 2021 11:21:22 AM
To: Chris Adams <Chris.Adams@ISGInc.com>; Nathan Henry <Nathan.Henry@co.nicollet.mn.us>
Cc: Aaron Trio <Aaron.Trio@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: RE: Nicollet CD 77 Tile Outlets

APPENDIX C: Tile Outlets

Chris Adams

From: Aaron Trio
Sent: Friday, October 15, 2021 3:12 PM
To: Chuck Brandel; Chris Adams; Joe Donkers
Subject: Nicollet CD 77

Chuck/Chris

On CD 77 the plans call to rip rap existing outlets and side inlets. I've noticed most of the outlets on the project are in severe shape/aren't working anymore due to being rusted out or eroded away. We don't have a bid quantity for new outlets.

I was talking to Joe about what to do and he recommended we replace the outlets and repair the side inlets with 20' outlet. If the side inlets are in rough shape we would put in an additional ASI. Joe recommended adding these to the change order if that's what we want to do. Jensen plans on getting going on these next week if he can. Here is a list of the outlet I saw:

2-8" outlets

3-10" outlets

2-12" outlets

4-15" outlets

1-12" side inlets

4-15" side inlets

If you want to remove all the side inlets and install ASI that would be another option too but I figure that would add quite a cost to the project.

Get [Outlook for iOS](#)



Aaron Trio

Construction Administrator

Employee Owner

P 507.387.6651

C 507.995.8417

E Aaron.Trio@ISGInc.com

A 115 East Hickory Street + Suite 300 + Mankato, MN 56001

W ISGInc.com



Chris Adams

From: Aaron Trio
Sent: Monday, October 18, 2021 11:39 AM
To: Chris Adams; Chuck Brandel; Joe Donkers; Darin Howell
Subject: Re: Nicollet CD 77

Just got done taking with Nate. He doesn't want to repair any of the private tile outlets or side inlets. I asked if he wanted to still armor them if they were broken off and he said it wasn't worth it. So we will armor the ones in the plans that are still in working order and leave the ones that aren't. Nate does want the county main outlets replaced that are not working. I counted 1-10" and 2-15" outlets that could be added to the change order.

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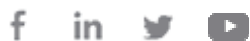
From: Chris Adams <Chris.Adams@ISGInc.com>
Sent: Monday, October 18, 2021 8:31:56 AM
To: Aaron Trio <Aaron.Trio@ISGInc.com>; Chuck Brandel <Chuck.Brandel@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: RE: Nicollet CD 77
Ok – keep me posted on what Nate wants us to do, Jamie is standing by waiting to send us pricing for whatever we want.



Chris Adams

Project Manager
Employee Owner

P 507.387.6651
C 507.381.1966
E Chris.Adams@ISGInc.com
A 115 East Hickory Street + Suite 300 + Mankato, MN 56001
W ISGInc.com



From: Aaron Trio <Aaron.Trio@ISGInc.com>
Sent: Friday, October 15, 2021 4:19 PM
To: Chuck Brandel <Chuck.Brandel@ISGInc.com>; Chris Adams <Chris.Adams@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: Re: Nicollet CD 77

Nate was going to meet me out there Monday. He's somewhat has it in his head he doesn't want a change order and would rather have another contractor do them. We will see what he wants to do next week.

Get [Outlook for iOS](#)

From: Aaron Trio <Aaron.Trio@ISGInc.com>
Sent: Friday, October 15, 2021 3:28:48 PM
To: Chuck Brandel <Chuck.Brandel@ISGInc.com>; Chris Adams <Chris.Adams@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: Re: Nicollet CD 77

Ok sounds good
Get [Outlook for iOS](#)

From: Chuck Brandel <Chuck.Brandel@ISGInc.com>
Sent: Friday, October 15, 2021 3:27:23 PM
To: Aaron Trio <Aaron.Trio@ISGInc.com>; Chris Adams <Chris.Adams@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: RE: Nicollet CD 77
[Talk to Nate. Say landowners did not want them redone but they should be.](#)

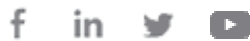
From: Aaron Trio <Aaron.Trio@ISGInc.com>
Sent: Friday, October 15, 2021 3:26 PM
To: Chuck Brandel <Chuck.Brandel@ISGInc.com>; Chris Adams <Chris.Adams@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: Re: Nicollet CD 77
Ok. So leave the side inlets alone? Even the ones that are broken/blown out?
Get [Outlook for iOS](#)

From: Chuck Brandel <Chuck.Brandel@ISGInc.com>
Sent: Friday, October 15, 2021 3:17:16 PM
To: Aaron Trio <Aaron.Trio@ISGInc.com>; Chris Adams <Chris.Adams@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: RE: Nicollet CD 77
[I am ok just fixing the outlets.](#)



Chuck Brandel, PE
Vice President
Employee Owner

P 507.387.6651
C 507.327.8282
E Chuck.Brandel@ISGInc.com
A 115 East Hickory Street + Suite 300 + Mankato, MN 56001
W ISGInc.com



From: Aaron Trio <Aaron.Trio@ISGInc.com>
Sent: Friday, October 15, 2021 3:12 PM
To: Chuck Brandel <Chuck.Brandel@ISGInc.com>; Chris Adams <Chris.Adams@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>
Subject: Nicollet CD 77

Chuck/Chris

On CD 77 the plans call to rip rap existing outlets and side inlets. I've noticed most of the outlets on the project are in severe shape/aren't working anymore due to being rusted out or eroded away. We don't have a bid quantity for new outlets.

I was talking to joe about what to do and he recommended we replace the outlets and repair the side inlets with 20' outlet. If the side inlets are in rough shape we would put in an additonal ASI. Joe recommended adding these to the change order if that's what we want to do. Jensen plans on getting going on these next week if he can. Here is a list of the outlet I saw:

2-8" outlets
3-10" outlets

2-12" outlets

4-15" outlets

1-12" side inlets

4-15" side inlets

If you want to remove all the side inlets and install ASI that would be another option too but I figure that would add quite a cost to the project.

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Aaron Trio

Construction Administrator

Employee Owner

P 507.387.6651

C 507.995.8417

E Aaron.Trio@ISGInc.com

A 115 East Hickory Street + Suite 300 + Mankato, MN 56001

W ISGInc.com



Chris Adams

From: Jamie Jensen <jamiej@jensenexctrk.com>
Sent: Wednesday, October 20, 2021 3:47 PM
To: Chris Adams
Subject: RE: Nicollet CD77

15" 20'-HDPE w/ rat guard tile outlet 2 EA \$1600.00
15" armor tile outlet 2 EA \$550.00
Total \$4300.00

10" 20'- HDPE w/ rat guard tile outlet 1 EA \$1500.00
10" armor tile outlet 1 EA \$550.00
Total \$2050.00

Grand Total \$6350.00

From: Chris Adams <Chris.Adams@ISGInc.com>
Sent: Tuesday, October 19, 2021 11:32 AM
To: Jamie Jensen <jamiej@jensenexctrk.com>
Subject: Nicollet CD77

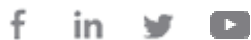
Hey Jamie,

Could you send me pricing for (1) 10" replace and armor tile outlet and (2) 15" replace and armor tile outlets? It sounds like the county wants to leave all the private inlets and outlets alone as originally planned but wants these three public outlets repaired. Thanks in advance



Chris Adams
Project Manager
Employee Owner

P 507.387.6651
C 507.381.1966
E Chris.Adams@ISGInc.com
A 115 East Hickory Street + Suite 300 + Mankato, MN 56001
W ISGInc.com



Chris Adams

From: Aaron Trio
Sent: Tuesday, November 2, 2021 11:06 AM
To: Chuck Brandel; Chris Adams; Joe Donkers; Darin Howell
Subject: CD 77

Just wanted to give an update/check in. At sta. 92+30 there is an existing county main that was clearly in poor shape. I showed it to Nate and he decided he didn't want to fix it a couple weeks ago. Now it has been eroding the bank and causing issues so now he does want it replaced. I assume we need to make another change order for that 10" outlet with Jensens price? Just wanted to check in to see if we made a decision on Tim Wailbels driveway regarding installing rock or not?



Aaron Trio

Construction Administrator
Employee Owner

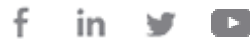
P 507.387.6651

C 507.995.8417

E Aaron.Trio@ISGInc.com

A 115 East Hickory Street + Suite 300 + Mankato, MN 56001

W ISGInc.com



19089 - Nicollet CD 77




Lafayette Township, MN, USA

ISG

Agricultural Drainage Inspection Log #30

Description	11/5/21
Status	Submitted
Assignee	Aaron Trio (ATR)
Date	11-05-2021

Weather

Time	Condition	Temperature	Precipitation	Humidity	Wind
05 Nov 06:00 AM	 Clear	37°F	0.0"	92%	13 mph
05 Nov 12:00 PM	 Windy	50°F	0.0"	74%	21 mph
05 Nov 04:00 PM	 Windy	60°F	0.0"	56%	23 mph

Inspector Information

Inspector Name	Time Arrived	Time Left
Aaron Trio	8	12

Contractor Information

Contractor	Prime or Sub	Foreman	Number of Personnel	Hours Worked	Equipment on Site
Jensen	Prime Contractor	Josh	4	4	350 excavator D6 bulldozer

Work Completed

Branch	Activity
Lat 2	Armored 24" CMP sta. 59+80 (N) Armored 12" CMP sta. 96+00 (E) Armored Culvert sta. 105+50: -north side 12 CY -South side 20 CY

General Comments

Comments

Larry Siebel and Travis stopped out and were wondering why their private tiles were not replaced. Nate from the county asked for only two county branch outlets to be replaced. Al Schmidt stopped out and discussed the project. Crew ended the day early and touched up the driveways and road with class 5.

The figure consists of six photographs arranged in a 2x3 grid, showing various stages and locations of construction work on a waterway. The top row shows a deep excavation (top-left), a muddy area with a vehicle (top-middle), and a view of the waterway at sunset (top-right). The bottom row shows a view of the waterway with a rocky bank (bottom-left), a view of the muddy area with a vehicle (bottom-middle), and a close-up of a rocky bank next to the water (bottom-right).

I certify that any information entered on this form is accurate to the best of my knowledge.

Am. Tr.

Chris Adams

From: Aaron Trio
Sent: Friday, November 5, 2021 12:32 PM
To: Chuck Brandel; Chris Adams; Joe Donkers; Darin Howell
Subject: CD 77

All-

Nate called and would like a preliminary change order price from Jensen for tile outlet repairs on the entire system. Originally we were going to want to do that but Nate only wanted to replace 2 county outlets. Now he's been getting pressure from the landowners I assume. Chris could you get a price for 6,8,10,12,15, and 18" tile outlet repairs from Jensen. If we could have him give us a price for just the outlet repair (rip rap is already installed) and then a price for new outlet and rip rap. I'm assuming Jensen isn't going to be to enthused to want to do the work since we just finished the project yesterday and now they have been moving equipment off.

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Aaron Trio

Construction Administrator
Employee Owner

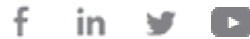
P 507.387.6651

C 507.995.8417

E Aaron.Trio@ISGInc.com

A 115 East Hickory Street + Suite 300 + Mankato, MN 56001

W ISGInc.com



Chris Adams

From: Jamie Jensen <jamiej@jensenexctrk.com>
Sent: Tuesday, November 9, 2021 8:19 AM
To: Chris Adams
Cc: Aaron Trio
Subject: RE: CD 77

Chris,

I'm going to pass on this. This was brought to Nate's attention while we were there performing pipe install and he chose to only do a portion of these. We installed the outlets he signed off on, and we have since mobilized out to work on other projects. I have seeding contractor lined up to finish my contract obligations and wish to finalize this project asap. Sorry for the inconvenience.

Jamie

From: Chris Adams <Chris.Adams@ISGInc.com>
Sent: Monday, November 08, 2021 11:06 AM
To: Jamie Jensen <jamiej@jensenexctrk.com>
Subject: FW: CD 77

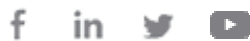
Good Morning Jamie,

See email below from Aaron, it appears Nicollet County would like pricing for outlet repairs. I was traveling with Chuck on Friday for other meetings and part of a call from one of the Commissioners about this so can confirm there is pressure from landowners to repair the outlets which the Drainage Authority had previously asked to have excluded from the project scope. Let me know if this is work you're interested in doing or not, if so could you send me pricing when you get a chance?



Chris Adams
Project Manager
Employee Owner

P 507.387.6651
C 507.381.1966
E Chris.Adams@ISGInc.com
A 115 East Hickory Street + Suite 300 + Mankato, MN 56001
W ISGInc.com



From: Aaron Trio <Aaron.Trio@ISGInc.com>
Sent: Friday, November 5, 2021 12:32 PM
To: Chuck Brandel <Chuck.Brandel@ISGInc.com>; Chris Adams <Chris.Adams@ISGInc.com>; Joe Donkers <Joe.Donkers@ISGInc.com>; Darin Howell <Darin.Howell@ISGInc.com>
Subject: CD 77

All-

Nate called and would like a preliminary change order price from Jensen for tile outlet repairs on the entire system. Originally we were going to want to do that but Nate only wanted to replace 2 county outlets. Now he's been getting pressure from the landowners I assume. Chris could you get a price for 6,8,10,12,15, and 18" tile outlet repairs from Jensen. If we could have him give us a price for just the outlet repair (rip rap is already installed) and then a price for new outlet and rip rap. I'm assuming Jensen isn't going to be too enthused to want to do the work since we just finished the project yesterday and now they have been moving equipment off.

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Aaron Trio

Construction Administrator

Employee Owner

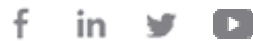
P 507.387.6651

C 507.995.8417

E Aaron.Trio@ISGInc.com

A 115 East Hickory Street + Suite 300 + Mankato, MN 56001

W ISGInc.com



Chris Adams

From: Chris Adams
Sent: Tuesday, November 9, 2021 11:04 AM
To: Nathan Henry
Cc: Chuck Brandel; Aaron Trio; Joe Donkers
Subject: Nicollet CD 77 Tile Outlets

Good Morning Nate,

I just heard back from Jamie Jensen in response to the request for pricing for the tile outlets on Ditch No. 77. Jamie stated that they have demobilized their equipment and have moved on to other obligations so he is not interested in this additional requested work.



Chris Adams

Project Manager
Employee Owner

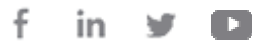
P 507.387.6651

C 507.381.1966

E Chris.Adams@ISGInc.com

A 115 East Hickory Street + Suite 300 + Mankato, MN 56001

W ISGInc.com



Final Acceptance Report

Nicollet County Ditch No. 77 Improvement

Lafayette Township, Minnesota

Date: July 25, 2023

ISG Project No.: 16-19089



REPORT FOR:
Nicollet County Drainage Authority
1700 Sunrise Drive
St. Peter, MN 56082
507.931.1760

FROM:
ISG
Chuck Brandel, PE
Vice President
115 E Hickory St + Suite 300
Mankato, MN 56001
507.381.6651
Chuck.Brandel@ISGInc.com

SIGNATURE SHEET

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

Signature: Chuck T. Brandel

Printed Name: Chuck Brandel, PE

Date: 7/25/2023

License Number: 43359

ISG

115 E Hickory St + Suite 300

Mankato, Minnesota 56001

Nicollet County Ditch No. 77 Improvement

Lafayette Township, Minnesota

Engineer's Project Number: 16-19089

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Executive Summary1

Construction Contract.....1

 Final Pay Request..... Error! Bookmark not defined.

As Builts1

Damages1

Total Project Cost.....Error! Bookmark not defined.

APPENDICES

Appendix A: Construction Photos A

Appendix B: Final Pay Request..... B

Appendix C: Damages..... C

Appendix D: Abandonment Maps..... D

Appendix E: As-built Plans E

EXECUTIVE SUMMARY

The Nicollet County Judicial Ditch No. 77 (CD 77) Improvement project began with a petition that was received in 2016 to improve Lateral 2 of Nicollet CD 77 by improving the tile to the west of 561st Ave and lowering the Lateral 2 open ditch. The Final Engineer's Report was approved in May of 2020. Construction Documents were completed and the project was advertised and bid in October 2020. A total of three bids were received however the two lowest bidders did not meet the qualifications requirements and third bid was over 30% above the Engineer's estimate resulting in all bids being rejected. The project was re-bid in January 2021 with a total of six bids received. The project was awarded to the lowest qualified bidder, Jensen Excavating and Trucking LLC.

Construction began in late September 2021 with Jensen making steady progress, completing the tile installation and the ditch cleaning and lowering by early November 2021. The spoil material placed in the open ditch buffer from the ditch cleaning and deepening remained too wet to work with and Jensen was unable to complete the final grading and seeding before the onset of winter conditions. The site was monitored throughout the winter and spring of 2022 and upon Jensen's return to site in May 2022 there were areas with unstable ditch side slopes discovered that required repair. Slough repairs, final grading of the buffers and seeding were completed in May 2022 and the site was monitored for vegetation establishment. The site experienced an unusually hot and dry summer which resulted in poor vegetation establishment. The decision was made between ISG and Nicollet County staff to hold the contract open and pay Jensen to touch-up seed in the spring of 2023. Seeding was completed in early June of 2023.

ISG noted during the June 2023 seeding work that there were areas in the ditch banks that previously repaired sloughs had re-emerged as well as new sloughs and washouts. The majority of these issues are located near private tile outlets that were not included in the Improvement project scope and therefore not repaired. There was also a large rain event in late May of 2023 that it appears may have contributed to this issue as many ditches in the area also had sloughs that developed. Despite the areas with unstable slopes the ditch channel remained intact and there were no areas impacting flow.

CONSTRUCTION CONTRACT

The cost estimate for construction, including contingency, from the FER was \$280,563.45. The original contract price based on Engineer's estimated quantities was \$287,906.38. During construction there were five change orders issued adding \$57,968.30 in construction costs to the contract. Some of those extra costs were offset by cost savings on actual installed base bid item quantities compared to estimated. The final contract price is \$323,289.55.

FINAL PAY REQUEST

To date, the contractor has been paid \$288,167.40 with an unpaid balance of \$35,122.15 left on retainage and the 2023 touch-up seeding costs to be paid. We recommend payment and final acceptance of the Nicollet County Ditch No. 77 Improvement project. The Final Pay Request can be found in Appendix B of this report.

AS BUILTS

ISG has completed the As Built plans that will serve as the new record of the project. The complete as built is located in Appendix E of this report.

DAMAGES

ISG has captured all of the damages, both temporary and permanent, that had occurred due to the project. It is the Engineer's recommendation that the damages to the properties involved be paid out to the landowners at the rate the board adopted during the final hearing. The complete list of damages per property is located in Appendix C of this report.

CONCLUSION

It is the Engineer's opinion that the Contractor, Jensen Excavating and Trucking, LLC., has satisfactorily completed the contract in accordance with plans and specifications. Therefore, the Engineer recommends final payment to the contractor, payment of the constructed damages and abandonment of the existing tile system.

Appendix A: Construction Photos

TYPICAL DITCH DEEPENING WITH SIDE SLOPING.



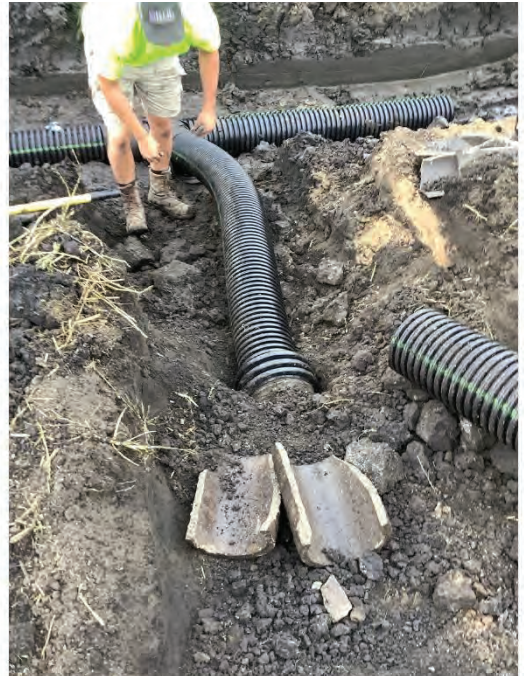
TYPICAL TILE INSTALLATION WITH FLAT BOTTOM AND TRENCH BOX.



TYPICAL BANK ARMORING WITH CLASS III RIP RAP.



TYPICAL PRIVATE TILE CONNECTION INTO NEW 10" SUB MAIN.



Appendix B: Final Pay Request

ISG		Contractor's Application for Payment No.		4 FINAL	
		Application Period:	5/31/2023 - 5/31/2023	Application Date:	5/15/2023
To (Owner):	Nicollet County 501 S. Minnesota Ave Saint Peter, MN 56082	From (Contractor):	Jensen Excavating & Trucking, LLC 931 Plaza Street West Albert Lea, MN 56007	Via (Engineer):	ISG Chuck Brandel 115 E Hickory St, Suite 300 Mankato, MN 56001
Project:	Nicollet County Ditch No. 77	Contract:			
Owner's Contract No.		Contractor's Project No.		Engineer's Project No.	19089

Approved Change Orders		
Number	Additions	Deductions
1	\$8,213.70	
2	\$27,659.50	
3	\$5,811.60	
4	\$350.00	
5	\$15,585.00	
TOTALS	\$57,619.80	
NET CHANGE BY CHANGE ORDERS		\$57,619.80

Contractor's Certification
The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature *Janie Fursten*

By: *Janie Fursten* **Date:** *6-23-23*

Completed Bid Items



Nicollet County
Ditch No. 77

Nicollet County

Pay Request 4 FINAL
5/31/2023 To 5/31/2023

A	B	C	D	E	F	G	H	I	J	K	L	M	N
Bid Item Number	Bid Item	Unit	Quantity	Unit Price	Total Amount	Quantity This Pay Request	Amount This Pay Request	Quantity To Date	Amount To Date	Quantity Remaining	Amount Remaining	Qty +/- Estimate	Amount +/- Estimate
01.7113.1000.01	MOBILIZATION	LS	1.00	\$ 13,150.00	\$ 13,150.00	0.00	\$ -	1.00	\$ 13,150.00	0.00	\$ -	0.00	\$ -
31.2301.1000.03	DITCH CLEANING (4' WIDE DITCH BOTTOM)	LF	570.00	\$ 2.50	\$ 1,425.00	0.00	\$ -	565.00	\$ 1,412.50	0.00	\$ -	5.00	\$ 12.50
31.2311.1000.03	DITCH DEEPENING (4' WIDE DITCH BOTTOM)	LF	9030.00	\$ 5.00	\$ 25,150.00	0.00	\$ -	4918.00	\$ 24,590.00	0.00	\$ -	1112.00	\$ 560.00
31.2316.1000.07	TOP SOIL STRIP & PLACE SPOILS (PI) (EV)	CY	11552.39	\$ 2.00	\$ 23,104.78	0.00	\$ -	12523.00	\$ 25,046.00	0.00	\$ -	-970.61	\$ (1,941.22)
31.3700.1000.07	CLASS III RIPRAP WITH GEOTEXTILE FABRIC	CY	90.00	\$ 75.00	\$ 6,750.00	0.00	\$ -	63.00	\$ 4,725.00	0.00	\$ -	27.00	\$ 2,025.00
32.9219.1000.10	16.5" BUFFER STRIP SEEDING	AC	4.25	\$ 1,435.00	\$ 6,098.75	0.00	\$ -	2.00	\$ 2,870.00	0.00	\$ -	2.25	\$ 3,228.75
32.9219.1000.10	STANDARD SIDE SLOPE SEEDING	AC	3.87	\$ 4,135.00	\$ 16,007.45	0.00	\$ -	5.65	\$ 23,362.75	0.00	\$ -	-1.78	\$ (7,360.30)
32.9219.1000.10	BUFFER STRIP MOWING	AC	8.50	\$ 75.00	\$ 637.50	0.00	\$ -	0.00	\$ -	0.00	\$ -	8.50	\$ 637.50
32.9219.1000.10	WEED SPRAYING	AC	12.37	\$ 220.00	\$ 2,721.40	0.00	\$ -	0.00	\$ -	0.00	\$ -	12.37	\$ 2,721.40
33.0513.1000.02	FURNISH & INSTALL WATER QUALITY INLET	EA	1.00	\$ 3,250.00	\$ 3,250.00	0.00	\$ -	0.00	\$ -	0.00	\$ -	1.00	\$ 3,250.00
33.0513.1000.02	INSTALL DROP INTAKE (18-INCH)	EA	3.00	\$ 2,650.00	\$ 8,150.00	0.00	\$ -	1.00	\$ 2,650.00	0.00	\$ -	2.00	\$ 4,100.00
33.0513.1000.02	CAP DROP INTAKE (18-INCH)	EA	2.00	\$ 405.00	\$ 810.00	0.00	\$ -	0.00	\$ -	0.00	\$ -	2.00	\$ 810.00
33.0513.1000.02	INSTALL 24-INCH ASI RISER ASSEMBLY W/TRASH GRATE	EA	1.00	\$ 2,000.00	\$ 2,000.00	0.00	\$ -	1.00	\$ 2,000.00	0.00	\$ -	0.00	\$ -
33.0513.1000.02	INSTALL 15-INCH ASI RISER ASSEMBLY W/TRASH GRATE	EA	4.00	\$ 1,275.00	\$ 5,100.00	0.00	\$ -	3.00	\$ 3,825.00	0.00	\$ -	1.00	\$ 1,275.00
33.0513.1000.02	INSTALL 12-INCH ASI RISER ASSEMBLY W/TRASH GRATE	EA	3.00	\$ 1,250.00	\$ 3,750.00	0.00	\$ -	3.00	\$ 3,750.00	0.00	\$ -	0.00	\$ -
33.0513.1000.02	INSTALL 24-INCH ASI OUTLET ASSEMBLY	EA	1.00	\$ 2,950.00	\$ 2,950.00	0.00	\$ -	1.00	\$ 2,950.00	0.00	\$ -	0.00	\$ -
33.0513.1000.02	INSTALL 18-INCH ASI OUTLET ASSEMBLY	EA	1.00	\$ 2,600.00	\$ 2,600.00	0.00	\$ -	1.00	\$ 2,600.00	0.00	\$ -	0.00	\$ -
33.0513.1000.02	INSTALL 15-INCH ASI OUTLET ASSEMBLY	EA	4.00	\$ 2,000.00	\$ 8,000.00	0.00	\$ -	3.00	\$ 6,000.00	0.00	\$ -	1.00	\$ 2,000.00
33.0513.1000.02	INSTALL 12-INCH ASI OUTLET ASSEMBLY	EA	2.00	\$ 1,800.00	\$ 3,600.00	0.00	\$ -	2.00	\$ 3,600.00	0.00	\$ -	0.00	\$ -
33.4510.1000.02	CONNECT EXISTING 10-INCH TILE	EA	2.00	\$ 300.00	\$ 600.00	0.00	\$ -	1.00	\$ 300.00	0.00	\$ -	1.00	\$ 300.00
33.4510.1000.02	CONNECT EXISTING 8-INCH TILE	EA	3.00	\$ 300.00	\$ 900.00	0.00	\$ -	1.00	\$ 300.00	0.00	\$ -	2.00	\$ 600.00
33.4510.1000.02	CONNECT EXISTING 6-INCH TILE	EA	6.00	\$ 275.00	\$ 1,650.00	0.00	\$ -	4.00	\$ 1,100.00	0.00	\$ -	2.00	\$ 550.00
33.4510.1000.02	CONNECT EXISTING 4-INCH TILE	EA	8.00	\$ 300.00	\$ 2,400.00	0.00	\$ -	2.00	\$ 600.00	0.00	\$ -	6.00	\$ 1,800.00
33.4510.1000.02	ARMOR TILE OUTLET (RIPRAP & GEOTEXTILE FABRIC)	EA	18.00	\$ 550.00	\$ 9,900.00	0.00	\$ -	17.00	\$ 9,350.00	0.00	\$ -	1.00	\$ 550.00
33.4510.1000.03	42-INCH AGRICULTURAL TILE	LF	665.00	\$ 72.00	\$ 47,880.00	0.00	\$ -	670.00	\$ 48,240.00	0.00	\$ -	-5.00	\$ (360.00)
33.4510.1000.03	36-INCH AGRICULTURAL TILE	LF	785.00	\$ 72.00	\$ 56,520.00	0.00	\$ -	775.00	\$ 55,800.00	0.00	\$ -	10.00	\$ 720.00
33.4510.1000.03	10" PERFORATED SINGLE WALL TILE	LF	580.00	\$ 28.00	\$ 16,240.00	0.00	\$ -	580.00	\$ 16,240.00	0.00	\$ -	0.00	\$ -
33.4510.1000.03	INSTALL 12-INCH PERFORATED TILE	LF	30.05	\$ 27.00	\$ 810.00	0.00	\$ -	0.00	\$ -	0.00	\$ -	30.05	\$ 810.00
33.4510.1000.03	REMOVE EXISTING TILE (SIZE & MATERIAL MAY VARY)	LF	580.00	\$ 6.00	\$ 3,480.00	0.00	\$ -	580.00	\$ 3,480.00	0.00	\$ -	0.00	\$ -
33.4510.1000.07	GRANULAR PIPE FOUNDATION	CY	185.53	\$ 50.00	\$ 9,276.50	0.00	\$ -	75.80	\$ 3,790.00	0.00	\$ -	109.73	\$ 5,486.50
33.4520.1000.02	REMOVE CMP OUTLET	EA	6.00	\$ 500.00	\$ 3,000.00	0.00	\$ -	5.00	\$ 2,500.00	0.00	\$ -	1.00	\$ 500.00
34.0100.1000.02	OPEN CUT & RESTORE GRAVEL ROAD OR DRIVEWAY	EA	1.00	\$ 2,000.00	\$ 2,000.00	0.00	\$ -	1.00	\$ 2,000.00	0.00	\$ -	0.00	\$ -
					\$ 287,406.38		\$ -		\$ 265,221.25		\$ -		\$ 22,585.13

Completed Change Order Items

ISG

Nicollet County
Ditch No. 77

Nicollet County

Pay Request 4 FINAL
5/31/2023 To 5/31/2023

A Change Order	B Bid Item Number	C Bid Item	D Unit	E Quantity	F Unit Price	G Total Amount	H Quantity This Pay Request	I Amount This Pay Request	J Quantity To Date	K Amount To Date Date	L Quantity Remaining	M Amount Remaining
1	1-101	DITCH CLEANING (4' WIDE DITCH BOTTOM)	LF	2700.00	\$ 2.50	\$ 6,750.00	0.00	\$ -	2650.00	\$ 6,625.00	0.00	\$ -
1	1-102	16.5' BUFFER STRIP SEEDING (SEED MIX: BUFFER BLEND WITH TYPE 3 MULCH)	AC	1.02	\$ 1,435.00	\$ 1,463.70	0.00	\$ -	0.00	\$ -	0.00	\$ -
2	2-201	BULKHEAD 24-INCH TILE	EA	1.00	\$ 1,000.00	\$ 1,000.00	0.00	\$ -	1.00	\$ 1,000.00	0.00	\$ -
2	2-202	4" PERFORATED AGRICULTURAL TILE	LF	375.00	\$ 25.00	\$ 9,375.00	0.00	\$ -	375.00	\$ 9,375.00	0.00	\$ -
2	2-203	10" PERFORATED AGRICULTURAL TILE	LF	358.00	\$ 28.00	\$ 10,024.00	0.00	\$ -	358.00	\$ 10,024.00	0.00	\$ -
2	2-204	TILE INVESTIGATION	HR	2.50	\$ 325.00	\$ 812.50	0.00	\$ -	2.50	\$ 812.50	0.00	\$ -
2	2-205	REMOVE EXISTING TILE	LF	358.00	\$ 6.00	\$ 2,148.00	0.00	\$ -	358.00	\$ 2,148.00	0.00	\$ -
2	2-206	15-INCH TILE OUTLET (20 LF OF PIPE & RIPRAP ON GEOTEXTILE FABRIC)	EA	2.00	\$ 2,150.00	\$ 4,300.00	0.00	\$ -	2.00	\$ 4,300.00	0.00	\$ -
3	3-301	3939-FILTER STRIP	AC	3.48	\$ 1,670.00	\$ 5,811.60	1.16	\$ 1,937.20	4.64	\$ 7,748.80	0.00	\$ -
4	4-401	12-INCH TILE CONNECTION	EA	1.00	\$ 350.00	\$ 350.00	0.00	\$ -	1.00	\$ 350.00	0.00	\$ -
5	5-501	CLASS III RIPRAP WITH GEOTEXTILE FABRIC	CY	171.00	\$ 80.00	\$ 13,680.00	0.00	\$ -	171.00	\$ 13,680.00	0.00	\$ -
5	5-502	CAT 326 Excavator	HR	7.00	\$ 225.00	\$ 1,575.00	0.00	\$ -	7.00	\$ 1,575.00	0.00	\$ -
5	5-503	CAT 289 Skidsteer	HR	2.00	\$ 140.00	\$ 280.00	0.00	\$ -	2.00	\$ 280.00	0.00	\$ -
5	5-504	General Labor	HR	1.00	\$ 50.00	\$ 50.00	0.00	\$ -	1.00	\$ 50.00	0.00	\$ -
						\$ 57,619.80		\$ 1,937.20		\$ 57,968.30		\$ -

Temporary Withholdings



Nicollet County
Ditch No. 77

Nicollet County

Pay Request 4 FINAL
5/31/2023 To 5/31/2023

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item Number	Bid Item	Unit	Quantity	Unit Price	Total Amount	Quantity Installed To Date	Amount Installed To Date	Temp Withholding %	Temp Withholding Amount	Amount Released	Amount Remaining
31.2311.1000.03	DITCH CLEANING (4' WIDE DITCH BOTTOM)	LF	570.00	\$ 2.50	\$ 1,425.00	565.00	\$ 1,412.50	40%	\$ 565.00	\$ 565.00	\$ -
31.2311.1000.03	DITCH DEEPENING (4' WIDE DITCH BOTTOM)	LF	5090.00	\$ 5.00	\$ 25,150.00	4918.00	\$ 24,590.00	40%	\$ 9,836.00	\$ 9,836.00	\$ -
32.9219.1000.10	16.5' BUFFER STRIP SEEDING (SEED MIX: BUFFER BLEND WITH TYPE 3 MULCH)	AC	4.25	\$ 1,435.00	\$ 6,098.75	2.00	\$ 2,870.00	40%	\$ 1,148.00	\$ 1,148.00	\$ -
32.9219.1000.10	STANDARD SIDESLOPE SEEDING (SEED MIX: BUFFER BLEND WITH TYPE 8 MULCH)	AC	3.87	\$ 4,135.00	\$ 16,002.45	5.65	\$ 23,362.75	40%	\$ 9,345.10	\$ 9,345.10	\$ -
3-301	3939-FILTER STRIP	AC	3.48	\$ 1,670.00	\$ 5,811.60	4.64	\$ 7,748.80	40%	\$ 3,099.52	\$ 3,099.52	\$ -
33.4510.1000.03	42-INCH AGRICULTURAL TILE	LF	665.00	\$ 72.00	\$ 47,880.00	670.00	\$ 48,240.00	10%	\$ 4,824.00	\$ 4,824.00	\$ -
33.4510.1000.03	36-INCH AGRICULTURAL TILE	LF	785.00	\$ 72.00	\$ 56,520.00	775.00	\$ 55,800.00	10%	\$ 5,580.00	\$ 5,580.00	\$ -
									\$ 34,397.62	\$ 34,397.62	\$ -



Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	0-511-226-464
Submitted Date and Time:	30-Jun-2023 10:47:06 AM
Legal Name:	JENSEN EXCAVATING AND TRUCKING
Federal Employer ID:	26-4036416
User Who Submitted:	9780749
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	1951551488
Minnesota ID:	9780749
Project Owner:	NICOLLET COUNTY DRAINAGE AUTHORITY
Project Number:	19089
Project Begin Date:	01-Apr-2021
Project End Date:	31-May-2023
Project Location:	NICOLLET COUNTY
Project Amount:	\$323,289.55

Subcontractor Summary

Name	ID	Affidavit Number
EVERGREEN COMPANIES	9938884	1045516288

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

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Please [print this page](#) for your records using the print or save functionality built into your browser.



Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	0-086-717-024
Submitted Date and Time:	30-Jun-2023 8:42:06 AM
Legal Name:	EVERGREEN LAWN SERVICE
Federal Employer ID:	26-4761369
User Who Submitted:	Evergreen Companies
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	1045516288
Minnesota ID:	9938884
Project Owner:	NICOLLET COUNTY DRAINAGE AUTHORITY
Project Number:	19089
Project Begin Date:	01-Jun-2022
Project End Date:	30-Jun-2023
Project Location:	NICOLLET COUNTY
Project Amount:	\$35,965.55
Subcontractors:	No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

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Please [print this page](#) for your records using the print or save functionality built into your browser.



AIA®

Document G707™ – 1994

Consent of Surety to Final Payment**PROJECT:** *(Name and address)*

19089: Nicollet County Ditch No. 77 Rebid (Ditch cleaning, ditch deepening, agricultural tile, seeding and erosion control), Nicollet County, Minnesota

ARCHITECT'S PROJECT NUMBER:OWNER ☐**CONTRACT FOR:**ARCHITECT ☐CONTRACTOR ☐**TO OWNER:** *(Name and address)*Nicollet County Drainage Authority
1700 Sunrise Drive
Saint Peter, MN 56082**CONTRACT DATED:** 3/04/2021SURETY ☐OTHER ☐In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety.)

Granite Re, Inc.

14001 Quailbrook Drive

Oklahoma City, OK 73134

on bond of

(Insert name and address of Contractor.)

Jensen Excavating & Trucking, LLC

931 Plaza Street West

Albert Lea, MN 56007

, SURETY,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of any of its obligations to
(Insert name and address of Owner.)

Nicollet County Drainage Authority

1700 Sunrise Drive

Saint Peter, MN 56082

, CONTRACTOR,

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date:
(Insert in writing the month followed by the numeric date and year.)

June 27th 2023

Granite Re, Inc.

*(Surety)**(Signature of authorized representative)*

Jennifer Boyles, Attorney-in-fact

*(Printed name and title)*Attest:
*(Seal)***CAUTION:** You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

AIA[®] Document G707[™] – 1994 Instructions

Consent of Surety to Final Payment

GENERAL INFORMATION

Purpose. AIA Document G707[™] is intended for use as a companion to AIA Document G706[™], Contractor's Affidavit of Payment of Debts and Claims, on construction projects where the Contractor is required to furnish a bond. By obtaining the Surety's approval of final payment to the Contractor and its agreement that final payment will not relieve the Surety of any of its obligations, the Owner may preserve its rights under the bond.

Related Documents. This document may be used with most of the AIA's Owner-Contractor agreements and general conditions, such as A201 and its related family of documents. As noted above, this is a companion document to AIA Document G706.

Use of Current Documents. Prior to using any AIA Contract Document, users should consult www.aia.org or a local AIA component to verify the most recent edition.

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CHANGES FROM THE PREVIOUS EDITION

Changes in the location of various items of information were made, without revision to the substance of the document.

COMPLETING G707-1994

General. The bond form is the usual source of required information such as the contract date and the names and addresses of the Surety, Owner, Contractor and Project.

Architect's Project No. This information is typically supplied by the Architect and entered on the form by the Contractor.

Contract For. This refers to the scope of the contract, such as "General Construction" or "Mechanical Work."

EXECUTING THE DOCUMENT

AIA Document G707 requires both the Surety's seal and the signature of the Surety's authorized representative.

GRANITE RE, INC.
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of MINNESOTA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

WANDA FRANZ; TOM LAHL; TOM KEMP; LISA M. FRANCOUR; JENNIFER BOYLES; ZACHARY PATE; TROY STAPLES; NICHOLAS HOCHBAN its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

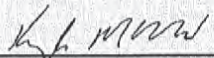
WANDA FRANZ; TOM LAHL; TOM KEMP; LISA M. FRANCOUR; JENNIFER BOYLES; ZACHARY PATE; TROY STAPLES; NICHOLAS HOCHBAN may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this Instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Assistant Secretary, this 3rd day of January, 2020.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)



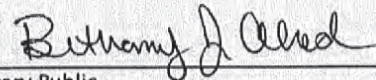

Kenneth D. Whittington, President


Kyle P. McDonald, Assistant Secretary

On this 3rd day of January, 2020, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Assistant Secretary of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Assistant Secretary, respectively, of the Company.

My Commission Expires:
April 21, 2027
Commission #: 11003620




Notary Public

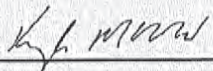
GRANITE RE, INC.
Certificate

THE UNDERSIGNED, being the duly elected and acting Assistant Secretary of Granite Re, Inc., a Minnesota Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Assistant Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character Issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this
27th day of June, 2023.




Kyle P. McDonald, Assistant Secretary

WARRANTY BOND

Bond No. GRMN44746A

Contractor Name: Jensen Excavating & Trucking, LLC Address (principal place of business): 931 Plaza Street West Albert Lea, MN 56007	Surety Name: Granite Re, Inc. Address (principal place of business): 14001 Quailbrook Drive Oklahoma City, OK 73134
Owner Name: Nicollet County Drainage Authority Address (principal place of business): 1700 Sunrise Drive Saint Peter, MN 56082	Construction Contract Description (name and location): 19089: Nicollet County Ditch No. 77 Rebid (Ditch cleaning, ditch deepening, agricultural tile, seeding and erosion control), Nicollet County, Minnesota Contract Price: \$323,289.55 Effective Date of Contract: 3/04/2021 Contract's Date of Substantial Completion: 5/31/2023
Bond Bond Amount: \$323,289.55 Date of Bond: 3/04/2021 Modifications to this Bond form: <input checked="" type="checkbox"/> None <input type="checkbox"/> See Paragraph 9 Surety and Contractor, intending to be legally bound hereby, subject to the terms set forth herein, do each cause this Warranty Bond to be duly executed by an authorized officer, agent, or representative.	
Contractor as Principal Jensen Excavating & Trucking, LLC (Full formal name of Contractor) By: <u>Jamie Jensen</u> (Signature) Name: <u>Jamie Jensen</u> (Printed or typed) Title: <u>Vice President</u> Attest: <u>Brynn Miller</u> (Signature) Name: <u>Brynn Miller</u> (Printed or typed) Title: <u>Witness</u>	Surety Granite Re, Inc. (Full formal name of Surety) (corporate seal) By: <u>Jennifer Boyles</u> (Signature) (Attach Power of Attorney) Name: <u>Jennifer Boyles</u> (Printed or typed) Title: <u>Attorney-in-Fact</u> Attest: <u>Lisa Francour</u> (Signature) Name: <u>Lisa Francour</u> (Printed or typed) Title: <u>Witness</u>
Notes: (1) Provide supplemental execution by any additional parties, such as joint venturers. (2) Any singular reference to Contractor, Surety, Owner, or other party is considered plural where applicable.	

* (THREE HUNDRED TWENTY THREE THOUSAND TWO HUNDRED EIGHTY NINE AND 55/100 Dollars)

1. The Contractor and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to the Owner for the performance of the Construction Contract's Correction Period Obligations. The Construction Contract is incorporated herein by reference.
2. If the Contractor performs the Correction Period Obligations, the Surety and the Contractor shall have no obligation under this Warranty Bond.
3. If Owner gives written notice to Contractor and Surety during the Bond Period of Contractor's obligation under the Correction Period Obligations, and Contractor does not fulfill such obligation, then Surety shall be responsible for fulfillment of such Correction Period Obligations. Surety shall either fulfill the Correction Period Obligations itself, through its agents or contractors, or, in the alternative, Surety may waive the right to fulfill the Correction Period Obligations itself, and reimburse the Owner for all resulting costs incurred by Owner in performing Contractor's Correction Period Obligations, including but not limited to correction, removal, replacement, and repair costs.
4. The Surety's liability is limited to the amount of this Warranty Bond. Renewal or continuation of the Warranty Bond will not modify such amount, unless expressly agreed to by Surety in writing.
5. The Surety shall have no liability under this Warranty Bond for obligations of the Contractor that are unrelated to the Construction Contract. No right of action will accrue on this Warranty Bond to any person or entity other than the Owner or its heirs, executors, administrators, successors, and assigns.
6. Any proceeding, legal or equitable, under this Warranty Bond may be instituted in any court of competent jurisdiction in the location in which the Work or part of the Work is located and must be instituted within two years after the Surety refuses or fails to perform its obligations under this Warranty Bond.
7. Written notice to the Surety, the Owner, or the Contractor must be mailed or delivered to the address shown in this Warranty Bond.
8. Definitions
 - 8.1. *Construction Contract*—The agreement between the Owner and Contractor identified on the cover page of this Warranty Bond, including all Contract Documents and changes made to the agreement and the Contract Documents.
 - 8.2. *Contract Documents*—All the documents that comprise the agreement between the Owner and Contractor.
 - 8.3. *Correction Period Obligations*—The duties, responsibilities, commitments, and obligations of the Contractor with respect to correction or replacement of defective Work, as set forth in the Construction Contract's Correction Period clause, EJCDC®C-700, Standard General Conditions of the Construction Contract (2018), Paragraph 15.08, as duly modified.
 - 8.4. *Substantial Completion*—As defined in the Construction Contract.
 - 8.5. *Work*—As defined in the Construction Contract.
9. Modifications to this Bond are as follows:

GRANITE RE, INC.
GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of MINNESOTA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

WANDA FRANZ; TOM LAHL; TOM KEMP; LISA M. FRANCOUR; JENNIFER BOYLES; ZACHARY PATE; TROY STAPLES; NICHOLAS HOCHBAN its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

WANDA FRANZ; TOM LAHL; TOM KEMP; LISA M. FRANCOUR; JENNIFER BOYLES; ZACHARY PATE; TROY STAPLES; NICHOLAS HOCHBAN may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Assistant Secretary, this 3rd day of January, 2020.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)



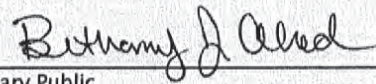

Kenneth D. Whittington, President


Kyle P. McDonald, Assistant Secretary

On this 3rd day of January, 2020, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Assistant Secretary of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Assistant Secretary, respectively, of the Company.

My Commission Expires:
April 21, 2027
Commission #: 11003620




Notary Public

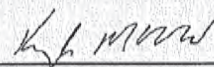
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"RESOLVED, that the President, any Vice President, the Assistant Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this
27th day of June, 2023.




Kyle P. McDonald, Assistant Secretary

Appendix C: Damages

Nicollet County Ditch No. 77
2021 Construction Damages Summary
Final Per As-Built
Date: 12/3/2021



	General Tract Information						Permanent Damages		Temporary Damages			
	Parcel Description	Parcel Owner	Parcel ID	Approximate Station Range	Project Description	Crop Type	Side Sloped Area (Acres)	Total Permanent Excavated (Acres)	Contractor Damages due to Construction (Acres)	Non-Crop Damages due to Construction (Acres)	Crop Damages due to Construction (Acres)	Total Temporary Easement (Acres)
Lateral 2	SE 1/4 NE 1/4 SECTION 35 LAFAYETTE TOWNSHIP	Timothy Walbel	060350410	65+50 to 79+00	Improvement	None	0.00	0.00	0.00	5.03	0.00	5.03
	NE 1/4 SE 1/4 SECTION 35 LAFAYETTE TOWNSHIP	Timothy Walbel	060350600	75+00 to 79+00	Improvement	None	0.00	0.00	0.00	0.82	0.00	0.82
	SW 1/4 SECTION 36 LAFAYETTE TOWNSHIP	Larrys Seibel	060360400	80+00 to 92+00	Improvement	None	0.10	0.10	0.00	0.55	0.00	0.55
	SW 1/4 NW 1/4 SECTION 36 LAFAYETTE TOWNSHIP	Larrys Seibel	060360200	80+00 to 105+50	Improvement	None	0.26	0.26	0.00	6.47	0.00	6.47
Lateral 2C	SW 1/4 SECTION 36 LAFAYETTE TOWNSHIP	Larrys Seibel	060360400	0+00 to 13+50	Improvement	None	0.11	0.11	0.00	0.24	0.00	0.24
	N 1/2 SE 1/4 SECTION 36 LAFAYETTE TOWNSHIP	Jim Gieseke	060360500	13+50 to 25+00	Improvement	None	0.20	0.20	0.00	0.58	0.00	0.58
	NE 1/4 SECTION 36 LAFAYETTE TOWNSHIP	Allen Schmit	060360305	0+00 to 25+00	Improvement	None	0.18	0.18	0.00	5.24	0.00	5.24
Ditch No. 77 Total							0.85	0.85	0.00	18.93	0.00	18.93



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PROJECT

**NICOLLET COUNTY
COUNTY DITCH No. 77**

LAFAYETTE TWP. MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	16-19089
TITLE NAME	ROAD DAMAGES MAP
DRAWN BY	DWH
DESIGNED BY	JMD
REVIEWED BY	CAP
ORIGINAL ISSUE DATE	12/18/2015
CLIENT PROJECT NO.	-

TITLE

DAMAGES MAP

SHEET

1 OF 4



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PROJECT

**NICOLLET COUNTY
COUNTY DITCH No. 77**

LAFAYETTE TWP. MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	16-19089
TITLE NAME	ROAD DAMAGES MAP
DRAWN BY	DWH
DESIGNED BY	JMD
REVIEWED BY	CAP
ORIGINAL ISSUE DATE	10/18/2019
CLIENT PROJECT NO.	-

TITLE

DAMAGES MAP

SHEET

2

OF 4



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PROJECT

**NICOLLET COUNTY
COUNTY DITCH No.
77**

LAFAYETTE TWP. MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	16-19089
TITLE NAME	ROAD DAMAGES MAP
DRAWN BY	DWH
DESIGNED BY	JMD
REVIEWED BY	CAP
ORIGINAL ISSUE DATE	10/18/2019
CLIENT PROJECT NO.	-

TITLE

DAMAGES MAP

SHEET

4 OF 4



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PROJECT

**NICOLLET COUNTY
COUNTY DITCH No.
77**

LAFAYETTE TWP. MINNESOTA

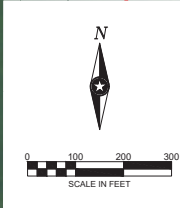
REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	16-19089
TITLE NAME	ROAD DAMAGES MAP
DRAWN BY	DWH
DESIGNED BY	JMD
REVIEWED BY	CAP
ORIGINAL ISSUE DATE	10/18/2019
CLIENT PROJECT NO.	-

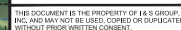
TITLE

DAMAGES MAP

SHEET



Appendix D: Abandonment Maps



PROJECT

**NICOLLET COUNTY
COUNTY DITCH No.
77**

LAFAYETTE TWP. MINNESOTA

[illegible]

PROJECT NO.	16-19089
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FILE NAME	19069 DAMAGES MA
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DRAWN BY	DWH
DESIGNED BY	JMD

REVIEWED BY	CJB
ORIGINAL ISSUE DATE	01/01/2000

CLIENT PROJECT NO. -

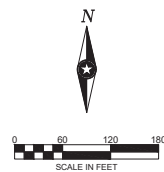
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ABANDONMENT MAP

SABOT

1

OF



PLAN LEGEND

- | | |
|--|-------------------------------|
| | INSTALLED LATERAL 2 TILE |
| | ABANDONED LATERAL 2 TILE |
| | EXISTING COUNTY TILE |
| | INSTALLED PRIVATE TILE HEADER |
| | EXISTING PRIVATE TILE |
| | EXISTING OPEN DITCH |

Appendix E: As-built Plans

NICOLLET COUNTY COUNTY DITCH No. 77

LAFAYETTE TWP, MINNESOTA

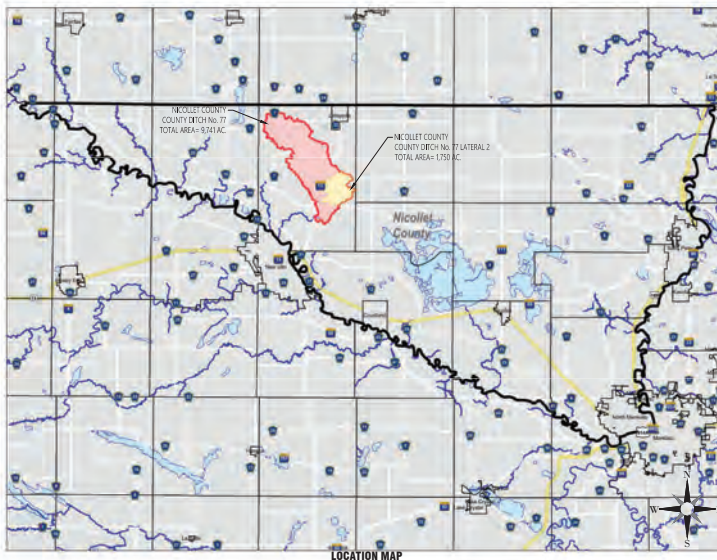
FINAL AS-BUILT PLANS

ISG PROJECT # 16-19089

ISG

LEGEND

EXISTING	
WATERSHED BOUNDARY	---
CITY LIMITS	---
SECTION LINE	---
QUARTER SECTION LINE	---
RIGHT OF WAY LINE	---
PROPERTY LOT LINE	---
EASEMENT LINE	---
ACCESS CONTROL	---
WATER EDGE	---
WETLAND BOUNDARY	---
FENCE LINE	---
EXISTING OPEN DITCH	---
CULVERT	---
DITCH TILE	---
PRIVATE TILE	---
WATER	---
GAS	---
OVERHEAD ELECTRIC	---
UNDERGROUND ELECTRIC	---
UNDERGROUND TELEPHONE	---
UNDERGROUND TV	---
OVERHEAD UTILITY	---
UNDERGROUND UTILITY	---
UNDERGROUND FIBER OPTIC	---
CONTOUR (MAJOR)	---
CONTOUR (MINOR)	---
DECIDUOUS TREE	---
CONIFEROUS TREE	---
TREE LINE	---
DROP INTAKE	---
HYDRANT	---
POWER POLE	---
PROPOSED	
EASEMENT	---
PROPOSED OPEN DITCH	---
OPEN DITCH REPAIR	---
CULVERT (RCP)	---
CULVERT (CMP)	---
TILE	---
TILE (PIPE WIDTH)	---
WATER	---
GAS	---
OVERHEAD ELECTRIC	---
UNDERGROUND ELECTRIC	---
UNDERGROUND TV	---
CONTOUR (MAJOR)	---
CONTOUR (MINOR)	---
DROP INTAKE	---
SLOUGH REPAIR	---
SPOIL PLACEMENT	---
TREE CLEARING	---
REMOVE TREE	---
BUFFER	---



LOCATION MAP

SHEET INDEX

- 1 TITLE
- 2 NOTES AND QUANTITIES
- 3 DETAILS
- 4 DETAILS
- 5 DETAILS
- 6 DETAILS
- 7 OVERALL EXISTING WATERSHED
- 8 OVERALL PROPOSED WATERSHED
- 9 ASI MAP
- 10 PLAN & PROFILE LATERAL 2 OPEN DITCH
- 11 PLAN & PROFILE LATERAL 2 OPEN DITCH
- 12 PLAN & PROFILE LATERAL 2 OPEN DITCH
- 13 PLAN & PROFILE LATERAL 2-C OPEN DITCH
- 14 PLAN & PROFILE MAINLINE TILE OPTION 1

DISCLAIMER

INFORMATION FOR THE BOUNDARY / LOT LINES AND UNDERGROUND UTILITIES SHOWN WAS DERIVED FROM DIGITAL DATABASES AND IS FOR INFORMATIONAL PURPOSES ONLY. DATA MAY NOT HAVE BEEN PREPARED FOR, OR BE SUITABLE FOR, LEGAL, ENGINEERING, OR SURVEYING PURPOSES.

PROJECT GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS, WHICH INCLUDE, BUT ARE NOT LIMITED TO, THE OWNER-CONTRACTOR AGREEMENT, THE PROJECT MANUAL (WHICH INCLUDES GENERAL SUPPLEMENTARY CONDITIONS AND SPECIFICATIONS), DRAWINGS OF ALL DISCIPLINES AND ALL ADDENDA, MODIFICATIONS AND CLARIFICATIONS ISSUED BY THE ARCHITECT/ENGINEER.
2. CONTRACT DOCUMENTS SHALL BE ISSUED TO ALL SUBCONTRACTORS BY THE GENERAL CONTRACTOR IN COMPLETE SETS IN ORDER TO ACHIEVE THE FULL EXTENT AND COMPLETE COORDINATION OF ALL WORK.
3. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
4. FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
5. DETAILS SHOWN ARE INTENDED TO BE INDICATIVE OF THE PROFILE AND TYPE OF DETAILING REQUIRED THROUGHOUT THE WORK. DETAILS NOT SHOWN ARE SIMILAR IN CHARACTER TO DETAILS SHOWN, WHERE SPECIFIC DIMENSIONAL DETAILS OR DESIGN INTENT CANNOT BE DETERMINED, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
6. ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, CLEANED AND CONDITIONED ACCORDING TO MANUFACTURER'S INSTRUCTIONS. IN CASE OF DISCREPANCIES BETWEEN MANUFACTURER'S INSTRUCTIONS AND THE CONTRACT DOCUMENTS, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
7. ALL DISBURSED METALS SHALL BE EFFECTIVELY ISOLATED FROM EACH OTHER TO AVOID GALVANIC CORROSION.
8. THE LOCATION AND TYPE OF ALL INPLACE UTILITIES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY AND ARE ACCURATE AND COMPLETE TO THE BEST OF THE KNOWLEDGE OF I & S GROUP, INC. (ISG). NO WARRANTY OR GUARANTEE IS IMPLIED. THE CONTRACTOR SHALL VERIFY THE SIZE, LOCATION AND ELEVATIONS OF ALL INPLACE UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM PLAN.
9. THE CONTRACTOR IS TO CONTACT "Gopher STATE ONE CALL" FOR UTILITY LOCATIONS. MINIMUM 3 BUSINESS DAYS PRIOR TO ANY EXCAVATION / CONSTRUCTION (1-800-252-1166).

PROJECT INDEX:

OWNER:

NICOLLET COUNTY
1700 SUNRISE DRIVE
ST PETER / MN/56082
PH: 507-931-1760

PROJECT

ADDRESS / LOCATION:

SECTION: 25, 26, 35, 36, 1, & 2
LAFAYETTE TWP
NICOLLET COUNTY, MINNESOTA

MANAGING OFFICE:

MANKATO OFFICE
115 E HICKORY STREET
SUITE 300
MANKATO, MN 56001
PHONE: 507.387.6651
FAX: 507.387.3583
PROJECT MANAGER: CHUCK BRANDL
EMAIL: Chuck.Brandl@isginc.com

SPECIFICATIONS REFERENCE

ALL CONSTRUCTION SHALL COMPLY WITH THE COUNTY OF NICOLLET REGULARLY ADOPTED STANDARD SPECIFICATIONS FOR CONSTRUCTION, 5TH EDITION, AND THE STANDARD SPECIFICATIONS FOR SANITARY SEWER, STORM DRAIN AND WATERMAIN AS PROPOSED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA 2013, UNLESS DIRECTED OTHERWISE.

PROJECT DATUM

HORIZONTAL COORDINATES HAVE BEEN REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), 1983 ADJUSTMENT (NAD83) ON THE NICOLLET COUNTY COORDINATE SYSTEM. U.S. SURVEY FEET.
ELEVATIONS HAVE BEEN REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83).
RTK GPS METHODS WERE USED TO ESTABLISH HORIZONTAL AND VERTICAL COORDINATES FOR THIS PROJECT.

B.M. ELEVATION=991.405

1.0 MILE NORTH OF KLOSSNER, 1.1 MILE NORTH ALONG TRUNK HWY 15 FROM JUNCTION OF TRUNK HWY 15 AND CR 5 IN KLOSSNER

TOPOGRAPHIC SURVEY

THIS PROJECT'S TOPOGRAPHIC SURVEY CONSISTS OF DATA COLLECTED IN JANUARY OF 2019 BY ISG.



NOTE:
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I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

CHARLES J. BRANDL

DATE: 10/4/2022 LIC. NO.: 43369

PROJECT

NICOLLET COUNTY

COUNTY DITCH No. 77

LAFAYETTE TWP MINNESOTA

AS-BUILT
10/4/2022

PROJECT NO. 16-19089

CONTRACT NAME: 16089 TILE

DRAWN BY: JAS

DESIGNED BY: JMD

REVIEWED BY: CJB

ORIGINAL ISSUE DATE: 10/10/2022

CLIENT PROJECT NO.:

TITLE

TITLE

SHEET

1

OF 14

1. DURING CONSTRUCTION, CONTRACTOR SHALL MAINTAIN A DRAINAGE OUTLET FOR THE ENTIRE COLLECTOR COLLECTY CATCH NO. 77 PROJECT AREA.
2. ALL PIPE DIMENSIONS REFERENCED IN THE PLANS REFER TO THE INSIDE DIAMETER.
3. ALL ROAD SURFACE, COORDINATION, AND TRAFFIC CONTROL SIGNAGE SHALL BE INCIDENTAL TO ROAD RESTORATIONS.
4. ALL Dewatering FOR THE PROJECT IS INCIDENTAL.
5. UNLESS OTHERWISE NOTED, CONTRACTOR SHALL LIMIT CONSTRUCTION ACTIVITY TO WITHIN A 10'-0" WIDTH INSIDE SWATH ALONG PROPOSED TIE ALIGNMENTS FOR ALL TIE OR LESS, AND A 15'-0" SWATH ALONG PROPOSED TIE ALIGNMENTS FOR TIES LARGER THAN 48". THE SWATH WIDTH SHALL BE LIMITED TO THE MINIMUM OF THE EXTENT POSSIBLE. TOPSOIL SHALL BE PLACED FOLLOWING THE PROPOSED ALIGNMENTS. THE SWATH SHALL NOT DISTURB ANY NON-AGRICULTURAL, PRIVATE PROPERTY, DISTURBANCE THROUGH ROAD CROSSINGS, ROAD CLOSURES, AND GRASS OR BURNED AREAS. THE LIMITATION TO THE WIDTH OF A TIECH IS NECESSARY FOR SAFE CONSTRUCTION PRACTICES, AND MUST BE RE-SEED WHERE NEEDED.
6. ALL EFFORTS SHALL BE MADE DURING CONSTRUCTION TO SEPARATE SOILS. BACKFILL SHALL BE COMPACTED PRIOR TO PLACEMENT OF TOPSOIL, EXCEPT THE TOP 2" OF TIECH, FOR WHICH TOPSOIL SHALL BE PLACED TO THE EXTENT POSSIBLE. TOPSOIL SHALL BE PLACED TO A MINIMUM DEPTH OF 6" OR, UNIFORM TO THE TOPSOIL DEPTH OF THE SURROUNDING AREA. EXCAVATED SPILLS SHALL BE SPREAD EVENLY IN CONSTRUCTION AREA AS TO NOT IMPIDE DRAINAGE. TOPSOIL SHALL BE LIMITED TO KEEP COVER ON TOP OF SAND AND SEPARATED. NO TOPSOIL SHALL BE PLACED IN THE TRENCH BELOW FROM EXISTING GROUND UNLESS APPROVED BY THE ENGINEER.
7. ALL SPILL, LEVELING, GRADING, AND RESTORATION OF DISTURBED AREAS SHALL BE IN ACCORDANCE TO THE CONTRACT DOCUMENTS AND SHALL BE INCIDENTAL TO THE WORK.
8. MISCELLANEOUS TREE CLEARING SHALL BE INCIDENTAL TO THE INSTALLATION.
9. ALL PIPE BEDDING AND ENCASEMENT IS INCIDENTAL TO STANDARD TIE INSTALLATION. REFER TO SPECIFICATIONS FOR DEFINITIONS. FUNDATION MATERIAL SHALL BE USED UNLESS OTHERWISE NOTED BY THE ENGINEER. THE USE OF FOUNDATION MATERIAL SHALL BE APPROVED BY THE ENGINEER BEFORE PLACEMENT.
10. UNLESS OTHERWISE NOTED, ALL PIPE BEDS AND FITTINGS SHALL BE INCIDENTAL TO THE TIE. PIPE ITEMS, MUST BE WAPPED, WRAPPED IN A BAG, AND SURROUNDED WITH CRUSHED ROCK.
11. ALL THE TIE ENDS MUST BE CAPPED TO NOT TAKE SEDIMENT UNLESS ANOTHER TIE (PRIVATE OR PUBLIC) IS CONNECTED TO THE PROPOSED TIE. CAPPING SHALL BE INCIDENTAL TO THE INSTALLATION.
12. ALL TIES LARGER THAN 11.625 MUST BE CONSTRUCTED AS PIPE-APPROVED BEDS, ANY BEDS LARGER THAN 11.625 MUST BE CONSTRUCTED WITH MULTIPLE BEDS WITH AT LEAST 2" OF BEDS BETWEEN EACH BED.
13. UNLESS SPECIFICALLY NOTED, HEDG AND ROLL WILL BE THE ONLY ACCEPTABLE MATERIALS FOR PROPOSED BEDS. REFER TO SPECIFICATIONS FOR PROPER INSTALLATION REQUIREMENTS.
14. VERY DIFFICULT LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION, PARD AS THE INVESTIGATION OF THE PROJECT, NO ADJUSTMENT CHANGES MADE TO THE INVESTIGATION SHALL BE APPROVED BY THE ENGINEER DURING CONSTRUCTION. ALL EFFORTS WILL BE MADE TO UTILIZE THE SAME SETTINGS AS SPECIFICATIONS AND CONTRACTOR SHALL BE COMPENSATED FOR ADDITIONAL BEDS AND ELEVATIONS THAT VARY FROM THE PLANS. MINIMUM SHIPING AROUND DROPPYNOTES AND CURVED LINES SHALL BE INCIDENTAL TO THEIR RESPECTIVE PIPE ITEMS.
15. DROP INVERTS WILL BE PND FOR EACH AND NO ADDITIONAL. COMPENSATION WILL BE MADE FOR INVERT ELEVATIONS THAT VARY FROM THE PLANS. MINIMUM SHIPING AROUND DROPPYNOTES AND CURVED LINES SHALL BE INCIDENTAL TO THEIR RESPECTIVE PIPE ITEMS.
16. DROP INVERTS THAT ARE NOT INTENDED TO TAKE SURFACE FLOW MAY BE CAPPED, AS DETERMINED BY THE ENGINEER. INTENTS MAY BE CUT DOWN AND BURNED AFTERWARDS.
17. DROP INVERTS THAT ARE DESIGNED TO TAKE SURFACE FLOW MAY BE CAPPED FOR 24" DROP INVERTS.
18. DROP INVERTS THAT ARE DESIGNED TO BE ON PROPERTY UNITS SHALL BE ADJUSTED IN THE FIELD TO MATCH ACTUAL LOCATION OF PROPERTY LINE.
19. AT CROSSINGS OF EXISTING NATURE, EACH DRAINAGE NEED BE CONNECTED UNLESS OTHERWISE DETERMINED NECESSARY. EACH DRAINAGE WILL BE PND FOR ONE CONNECTION, ALL TIES, CONNECTING TIE, AND OTHER FITTINGS NECESSARY FOR CONNECTION SHALL BE INCIDENTAL TO THE INSTALLATION.
20. ALL THE CONNECTIONS MUST BE CONNECTED ON THE SIDE OF RECEIVING PIPE. TIE CONNECTIONS CANNOT BE MADE COMPLETELY VERTICAL. SIZE.
21. EXISTING BRANCH CONNECTIONS SHALL BE CONSTRUCTED CIDE TO SIZE, LARGER THAN THE EXISTING SIZE, UNLESS OTHERWISE SPECIFIED, WITH DUAL WALL AND NO APPROPRIATE FITTINGS. (SINGLE WALL TIE WILL NOT BE ALLOWED).
22. ALL PRIVATE TIE CONNECTIONS SHALL BE CONSTRUCTED WITH INERTIATE CONNECTIONS OR APPROVED EQUAL, WHERE POSSIBLE. CONNECTING TIE SHALL MATCH EXISTING SIZE AND SLOPE. IF THE EXISTING TIE IS LARGER THAN PRIVATE TIE CONNECTIONS WILL BE 24" DROP INVERTS.
23. REMOVAL OF EXISTING SLOPE INLET PIPES IS INCIDENTAL TO ALTERNATIVE SIDE INLET CONSTRUCTION.

2. DURING CONSTRUCTION, CONTRACTOR SHALL MAINTAIN A DRAINAGE OUTLET FOR THE ENTIRE NICOLET COUNTY CDDH #17 PROJECT AREA.
3. ALL PIPE DIMENSIONS REFERENCED IN THE PLANS REFER TO THE INSIDE DIMETER.
4. UNLESS OTHERWISE NOTED, CONTRACTOR SHALL LIMIT CONSTRUCTION ACTIVITY TO WITHIN A 33-FOOT WIDE AREA ALONG TOP OF DITCH ADJACENTS, DISTURBANCE THROUGH ROAD CROSSINGS. CONTRACTOR SHALL BE RESPONSIBLE TO BE LIMITED TO THE TRENCH WIDTH NECESSARY FOR SAFE CONSTRUCTION PRACTICES.
5. A 16.5FOOT GRASS STRIP SHALL BE ESTABLISHED IN AREAS THAT DO NOT HAVE AN EXISTING 16.5-FOOT GRASS STRIP. SEEDING SHALL OCCUR AFTER ALL WORK HAS BEEN COMPLETED IN THE AREA AND SHALL COMPLY WITH THE CONTRACT DOCUMENTS. THESE AREAS WILL BE DETERMINED BY THE ENGINEER.
6. DITCH CLEANING SHALL BE PERFORMED ON THE EDGE OF THE DITCH THAT IS THE LOWEST FOR TOP GREATEST DITCH OPENING ALONG THE OPEN DITCH SEGMENT. DITCH CLEANING SHALL BE PLACED WITHIN 16.5-FOOT WIDE GRASS STRIP TOP OF EACH OPENING. TOP OF EACH SLOPE UNLESS OTHERWISE DETERMINED BY THE ENGINEER.
7. TOPSOIL IN SPOIL AREAS AS SPECIFIED ON PLANS SHALL BE STRIPPED PRIOR TO SPOIL PLACEMENT.
8. SHAVING, ROADSIDE DIRT INLETS, WASHBOUN, AND CULVERT INLETS SHALL BE INCIDENTAL TO THEIR RESPECTIVE PAVEMENTS.
9. ALL SPOIL, LEVELING, GRADING, AND RESTORATION OF DISTURBED AREAS SHALL BE IN ACCORDANCE TO THE CONTRACT DOCUMENTS AND SHALL BE INCIDENTAL TO THE WORK PERFORMED.
10. ALL EXISTING TIE OUTLETS INTO THE OPEN DITCH, INCLUDING ANY NOT SHOWN ON THE PLANS, SHALL BE REPAIRED. UNLESS SPECIFICALLY NOTED, REPAIR OR HAVE OR PRACTICE BE APPROPRIATE MATERIAL FOR ALL THE REPAIRS (SEE DETAIL).
11. EXISTING TIE OUTLETS MAY BE SALVAGED, REUSE, AND PROTECTED WITHIN THE DITCH AREA. THE OUTLETS DETERMINED TO BE IN GOOD CONDITION BY THE ENGINEER. THE REPAIR AT THESE LOCATIONS SHALL BE PAID FOR AS PAY ITEM "ANNUAL TIE REPAIR" (SEE DETAILS).
12. ROAD CROSSING REPAIRS SHALL BE CONSTRUCTED WITH CLASS II HRP OR ALL TYPES UNLESS OTHERWISE NOTED. PLANS PROVIDED BY THE ENGINEER SHALL BE USED FOR ALL CROSSINGS (INCLUDING INCIDENTAL).
13. CONTRACTOR MUST NOTIFY ENGINEER OF ANY CULVERT SECTIONS DEEMED NOT SALVAGEABLE PRIOR TO REMOVAL, AND SHALL BE ADDRESSED BEFORE CULVERT WORK IS DONE.

12. TREE CLEARING AND HEAVY VEGETATION REMOVAL IS REQUIRED ON DITCH SIDE SLOPES AND WITHIN THE 1400 BUFFER AND WILL BE PAID FOR AS PER LINEAR FOOT, APPROXIMATE LOCATIONS ARE INCLUDED ON THE MAP FOR REFERENCE. TREES SHALL BE CLEARED AND GRUBBED AND SPRAY THE AREA AROUND TREE AFTER COMPLETE.
13. DITCH DEEPENING SHALL INCLUDE DITCH EDUCATION, SPIRAL LEVELING, AND GRADING OF SIDESLOPES PER THE CROSS SECTION DETAILS SHOWN IN THE PLANS.

TOTAL CHANGE ORDER QUANTITIES				
Change Order	Item Code	Item	Unit	Install. Quantity
1	1-103	DIKE CLEANING (1/4" WIDE DITCH BOTTOM)	LF	2500
	1-102	16.5 BURR PUMP SEEDING (SEED)	EA	0
	1-102	MIX BURR BLEND WITH TYPE 3 MULCH	AC	0
	1-102	WALKWAY 4-INCH TYPE 1	LF	0
	2-203	#4 PERFORATED AGRICULTURAL TIE	LF	375
	2-203	30" PERFORATED AGRICULTURAL TIE	LF	358
	2-204	TIE INVESTIGATION	HR	25
	2-205	REMOVAL EXISTING TIE	LF	358
	2-206	15-INCH TIE OUTLET (20 OF PIPE & RIPPAP ON GEXTEXTILE (FABRIC)	EA	2
	3-301	3-INCH RIPPAP TIE	AC	348
	4-402	12-INCH TIE CONNECTION	EA	1
	5-501	CLASP RIPPAP WITH GEXTEXTILE FABRIC	CY	171
	6-603	CAT 350S INVERTER	HR	7
	6-603	CAT 350S BOOSTER	HR	2
	5-504	GENERAL LABOR	HR	1

AS-47 WAS NOT INSTALLED. EXISTING AS-1 WAS A CONCRETE STRUCTURE IN GOOD SHAPE. NO WORK WAS NECESSARY.

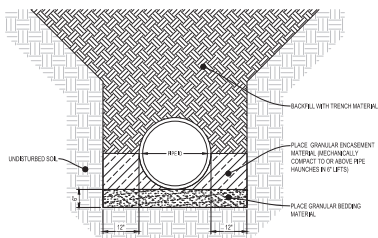


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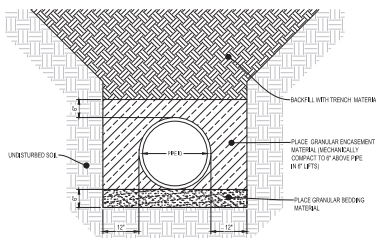
2 OF 14

ISG



NOTE:
GRANULAR BEDDING, GRANULAR ENCASMENT, AND BACKFILL SHALL BE INCIDENTAL TO CONSTRUCTION.

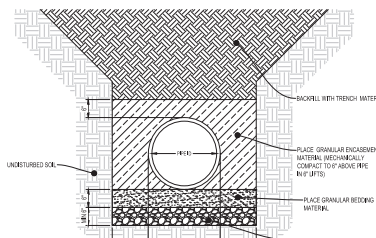
**RCP FLAT BOTTOM
TRENCH BEDDING**
NTS AG110



NOTE:
GRANULAR BEDDING, GRANULAR ENCASMENT, AND BACKFILL SHALL BE INCIDENTAL TO CONSTRUCTION.

**HDPE FLAT BOTTOM
TRENCH BEDDING**
NTS AG110

****METHOD USED DURING CONSTRUCTION****



NOTES:
GRANULAR BEDDING, GRANULAR ENCASMENT, AND BACKFILL SHALL BE INCIDENTAL TO CONSTRUCTION.
GRANULAR FOUNDATION BELOW THE PIPE AND FOR BY CUBE YARD ONLY WHERE NEEDED AND APPROVED BY ENGINEER.

**HDPE FLAT BOTTOM TRENCH
WITH GRANULAR FOUNDATION**
NTS AG110

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Charles J. Brandel
CHARLES J. BRANDEL

DATE: 10/4/2022 VET. NO. 43369

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PROJECT

NICOLLET COUNTY

COUNTY DITCH No.

77

LAFAYETTE TWP. MINNESOTA

REVISION SCHEDULE

DATE	DESCRIPTION	BY

AS-BUILT 10/4/22

PROJECT NO. 16-19089

CAD FILE NAME: 16-19089.DWG

DRAWN BY: JMD

DESIGNED BY: JMD

REVIEWED BY: CJB

ORIGINAL ISSUE DATE: 10/16/2022

CLIENT PROJECT NO. -

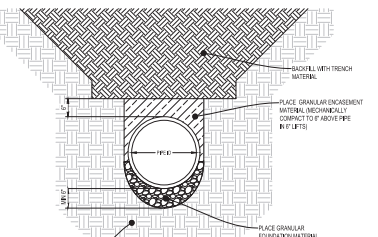
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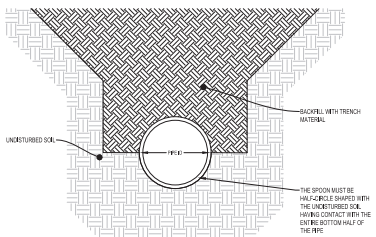
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OF 14



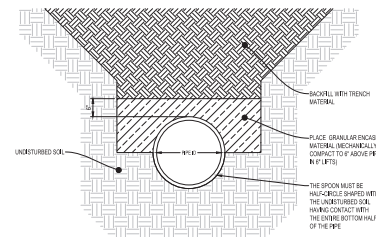
NOTES:
BACKFILL SHALL BE INCIDENTAL TO CONSTRUCTION.
GRANULAR FOUNDATION BELOW THE PIPE AND FOR BY CUBE YARD ONLY WHERE NEEDED AND APPROVED BY ENGINEER.

**SPOON TRENCH
WITH GRANULAR FOUNDATION**
NTS AG115



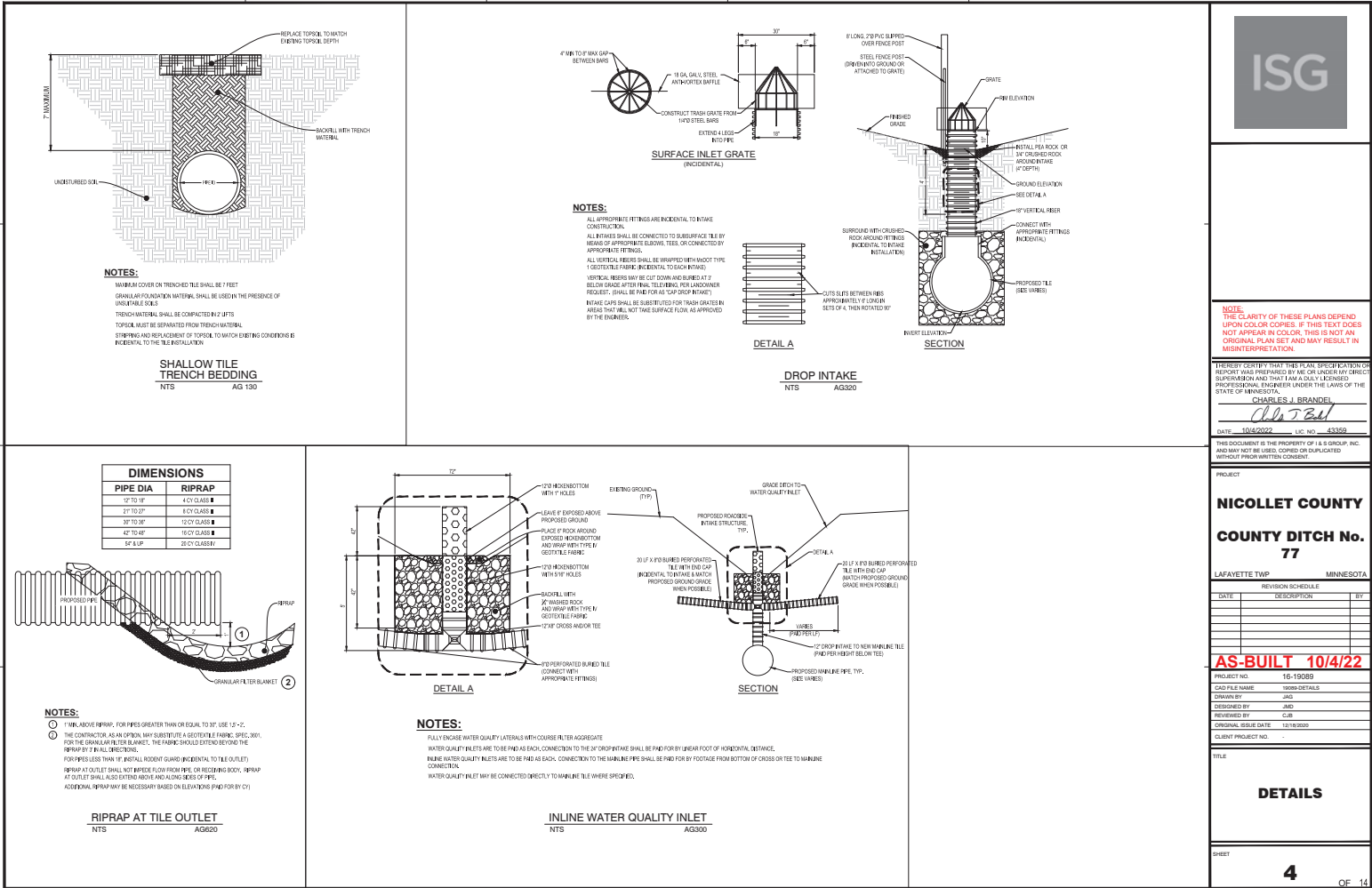
NOTES:
BACKFILL SHALL BE INCIDENTAL TO CONSTRUCTION.
SPOON BEDDING SHALL COMPLY WITH PIPE MANUFACTURER SPECIFICATIONS.

**RCP SPOON
TRENCH BEDDING**
NTS AG120



NOTES:
GRANULAR ENCASMENT AND BACKFILL SHALL BE INCIDENTAL TO CONSTRUCTION.
SPOON BEDDING SHALL COMPLY WITH PIPE MANUFACTURER SPECIFICATIONS.

**HDPE SPOON
TRENCH BEDDING**
NTS AG125



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DATE: 10/4/2022 LIT NO: 43359

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PROJECT

NICOLLET COUNTY

COUNTY DITCH No. 77

LAFAYETTE TWP MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

AS-BUILT 10/4/22

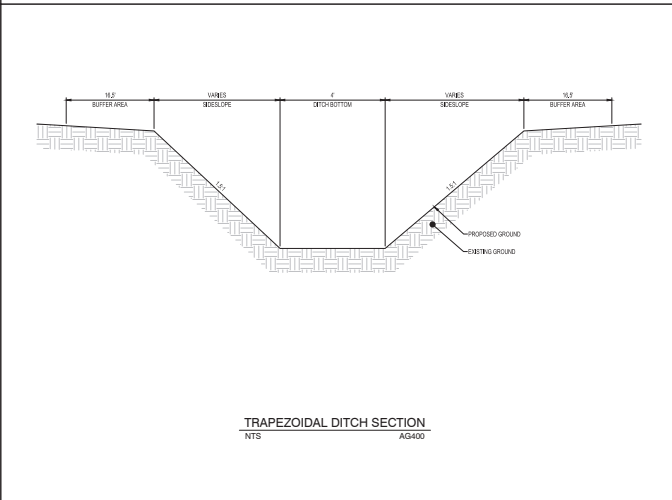
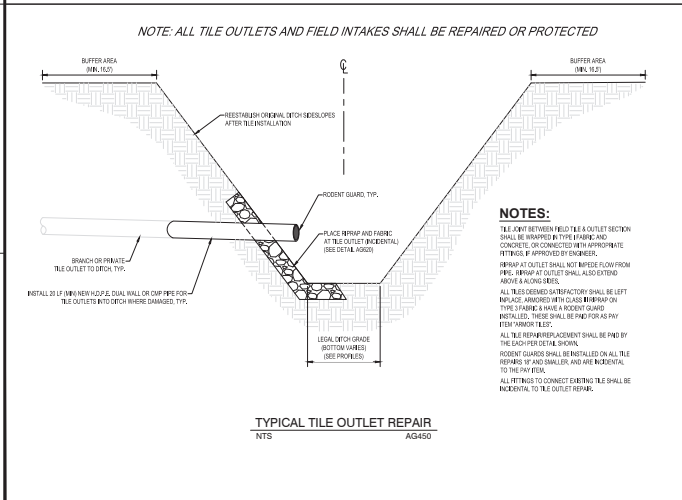
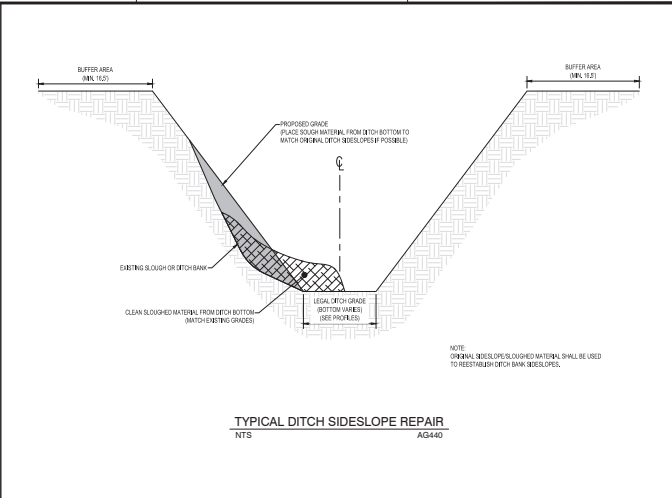
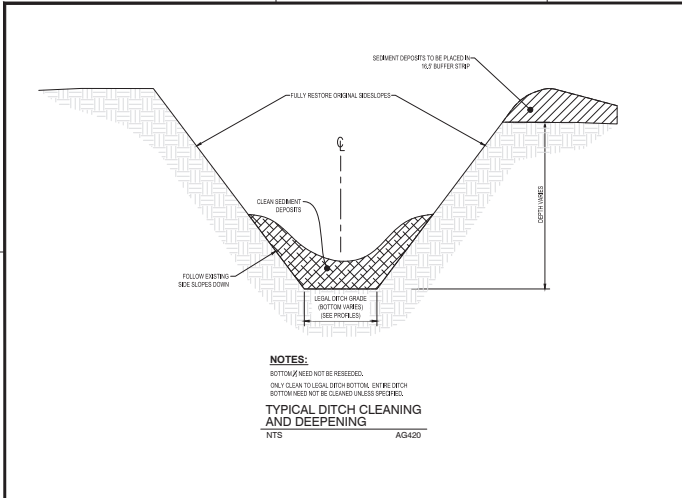
PROJECT NO.	16-19089
DESIGNED BY	JMD
DRAWN BY	JMD
REVIEWED BY	CJB
ORIGINAL ISSUE DATE	10/16/2022
CLIENT PROJECT NO.	-

TITLE

DETAILS

SHEET

4 OF 14



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CHARLES J. BRANDEL
Charles J. Brandel

DATE: 10/4/2022 VLT NO: 43359

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PROJECT
NICOLLET COUNTY
COUNTY DITCH No. 77
LAFAYETTE TWP. MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

AS-BUILT 10/4/22

PROJECT NO.	16-19089
CAD FILE NAME	MINNDETAILS
DRAWN BY	JMD
DESIGNED BY	JMD
REVIEWED BY	CJB
ORIGINAL ISSUE DATE	10/10/2020
CLIENT PROJECT NO.	-

TITLE
DETAILS

SHEET
5 OF 14



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PROJECT

NICOLLET COUNTY

COUNTY DITCH No.

77

LAFAYETTE TWP MINNESOTA

REVISION SCHEDULE

DATE DESCRIPTION BY

PROJECT NO. 16-19089

CLIENT NAME MINNEDALS

DESIGNED BY JMD

REVIEWED BY CJB

ORIGINAL ISSUE DATE 10/16/2022

CLIENT PROJECT NO. -

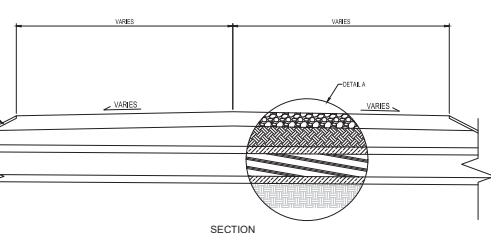
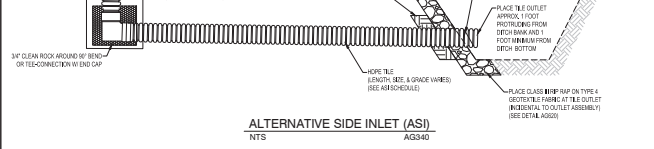
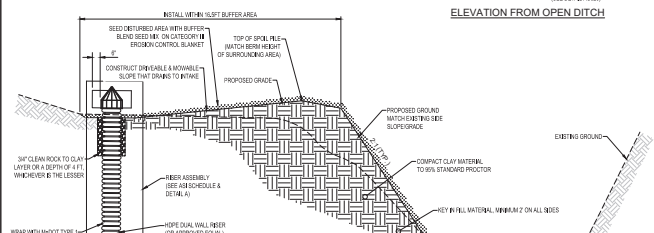
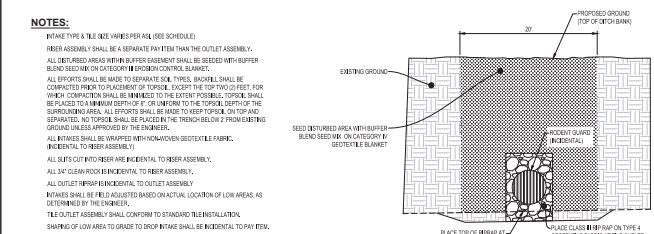
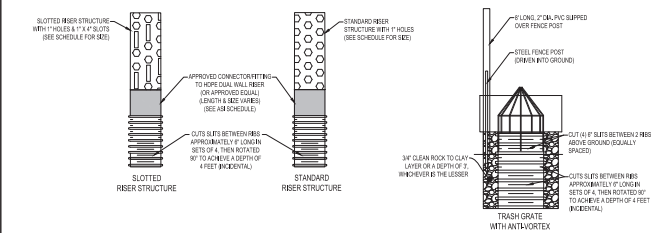
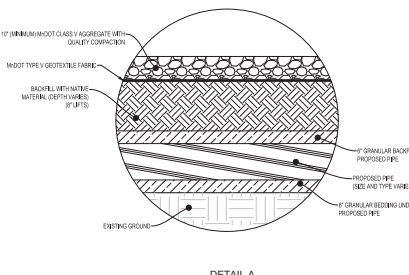
TITLE

DETAILS

SHEET

6

OF 14



NOTES:
1. SALVAGE & REPLACE EXISTING CROSSING SURFACE MATERIAL. ADDITIONAL CLASS II AGGREGATE MAY BE NEEDED TO MEET MINIMUM 12\"/>

ALTERNATIVE SIDE INLET (ASI)

TYPICAL ROADWAY SECTION



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CHARLES J. BRANDEL

DATE: 10/4/2022 LIC. NO.: 43369

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PROJECT
**NICOLLET COUNTY
COUNTY DITCH
No. 77**
LAFAYETTE TWP. MINNESOTA

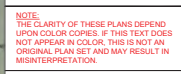
DATE	REVISION	DESCRIPTION	BY

AS-BUILT 10/4/22

PROJECT NO. 16-19089
DRAFT FILE NAME: WATERSHED
DRAWN BY: JMS
DESIGNED BY: JMS
REVIEWED BY: CJB
ORIGINAL ISSUE DATE: 10/18/2020
CLIENT PROJECT NO.:

TITLE
**OVERALL EXISTING
WATERSHED**

SHEET
7
OF 14



CHARLES J. BRANDEL
Charles J. Brandel
DATE: 10/4/2022 LIC. NO. 43359

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NICOLLET COUNTY

COUNTY DITCH

No. 77

LAFAYETTE TWP MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

AS-BUILT 10/4/22

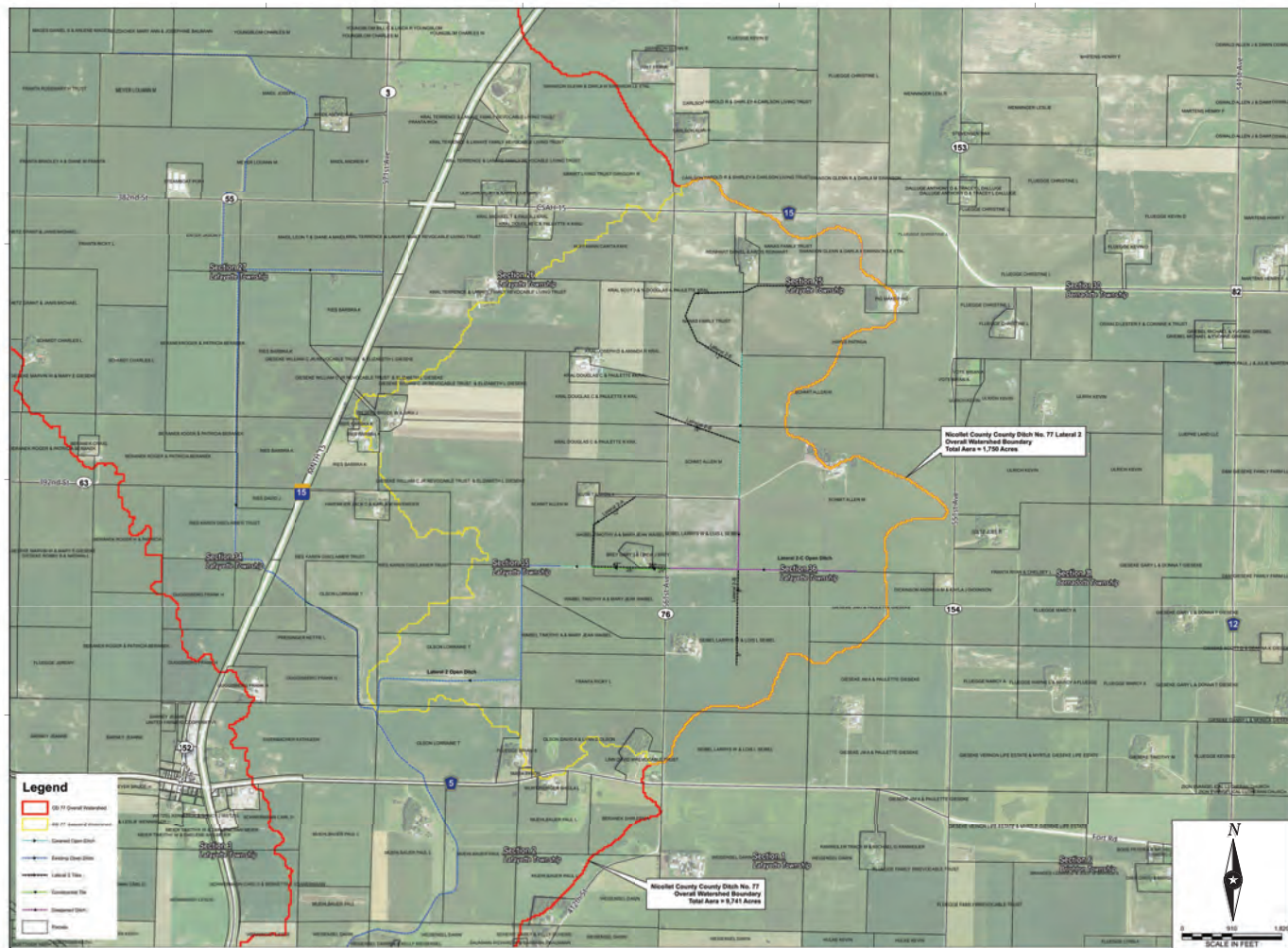
CAD FILE NAME	19089-WATERSHED
DRAWN BY	JAG
DESIGNED BY	JMD
REVIEWED BY	CJB
ORIGINAL ISSUE DATE	12/18/2020

TITLE

**OVERALL
CONSTRUCTED
WATERSHED**

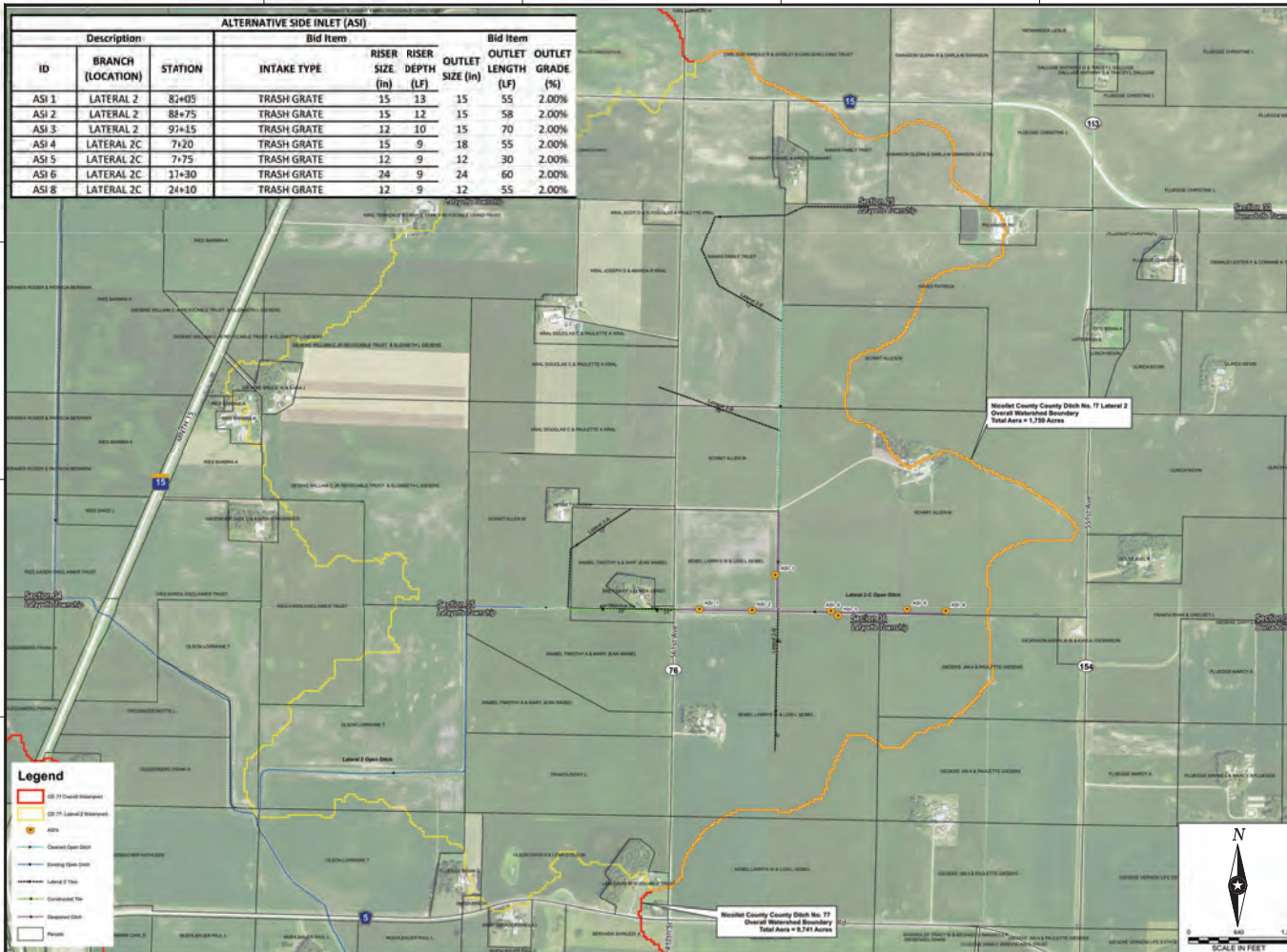
SHEET

8 OF 14



8

OF 14



ALTERNATIVE SIDE INLET (ASI)							
Description			Bid Item		Bid Item		
ID	BRANCH (LOCATION)	STATION	INTAKE TYPE	RISER SIZE (in)	RISER DEPTH (LF)	OUTLET SIZE (in)	OUTLET LENGTH (LF) OUTLET GRADE (%)
ASI 1	LATERAL 2	82+05	TRASH GRATE	15	13	15	55 2.00%
ASI 2	LATERAL 2	86+75	TRASH GRATE	15	12	15	58 2.00%
ASI 3	LATERAL 2	92+15	TRASH GRATE	12	10	15	70 2.00%
ASI 4	LATERAL 2C	7+20	TRASH GRATE	15	9	18	55 2.00%
ASI 5	LATERAL 2C	7+75	TRASH GRATE	12	9	12	30 2.00%
ASI 6	LATERAL 2C	17+30	TRASH GRATE	24	9	24	60 2.00%
ASI 8	LATERAL 2C	24+10	TRASH GRATE	12	9	12	55 2.00%

NOTE:
THE CLARITY OF THESE PLANS DEPEND UPON COLOR COPIES. IF THIS TEXT DOES NOT APPEAR IN COLOR, THIS IS NOT AN ORIGINAL PLAN SET AND MAY RESULT IN MISINTERPRETATION.

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

CHARLES J. BRANDEL

DATE: 10/4/2022 LIC. NO.: 43369

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PROJECT

NICOLLET COUNTY

COUNTY DITCH

No. 77

LAFAYETTE TWP MINNESOTA

DATE	REVISION	SCHEDULE	DESCRIPTION	BY

AS-BUILT 10/4/22

PROJECT NO. 16-19089

CHART FILE NAME: 161016-19089-01

DRAWN BY: JAS

DESIGNED BY: JAS

REVIEWED BY: CJB

ORIGINAL ISSUE DATE: 10/10/2022

CLIENT PROJECT NO.:

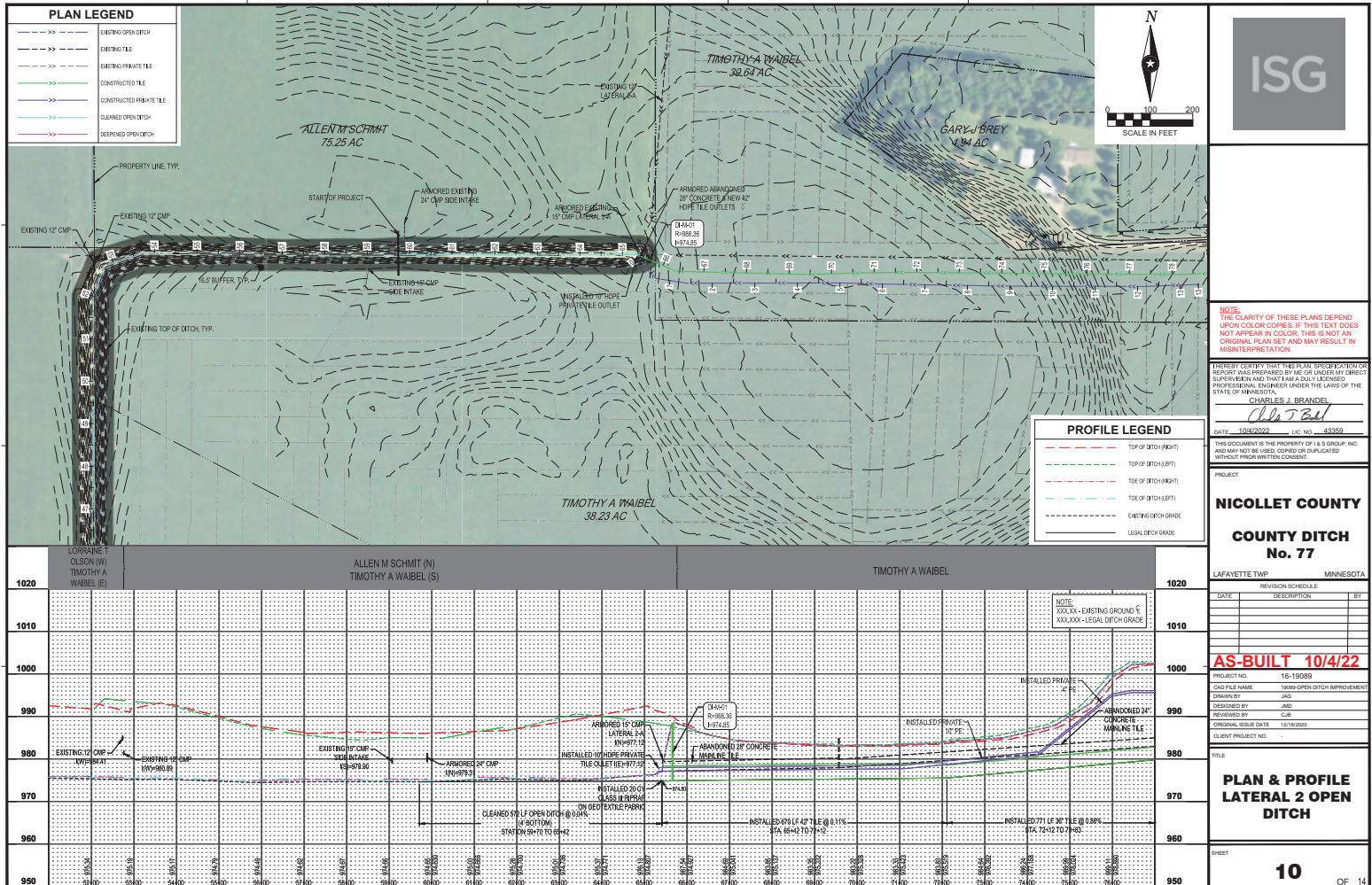
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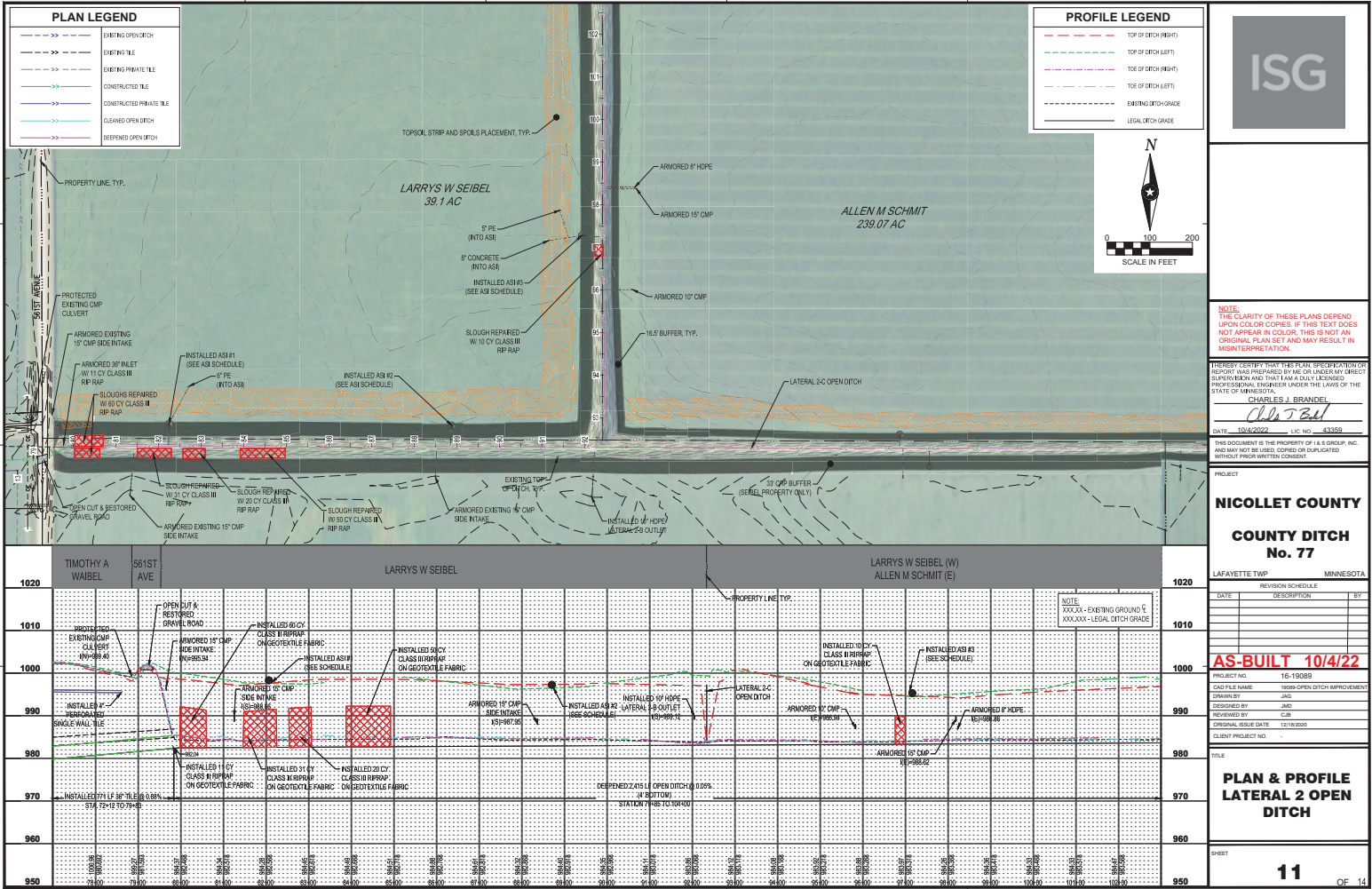
ASI MAP

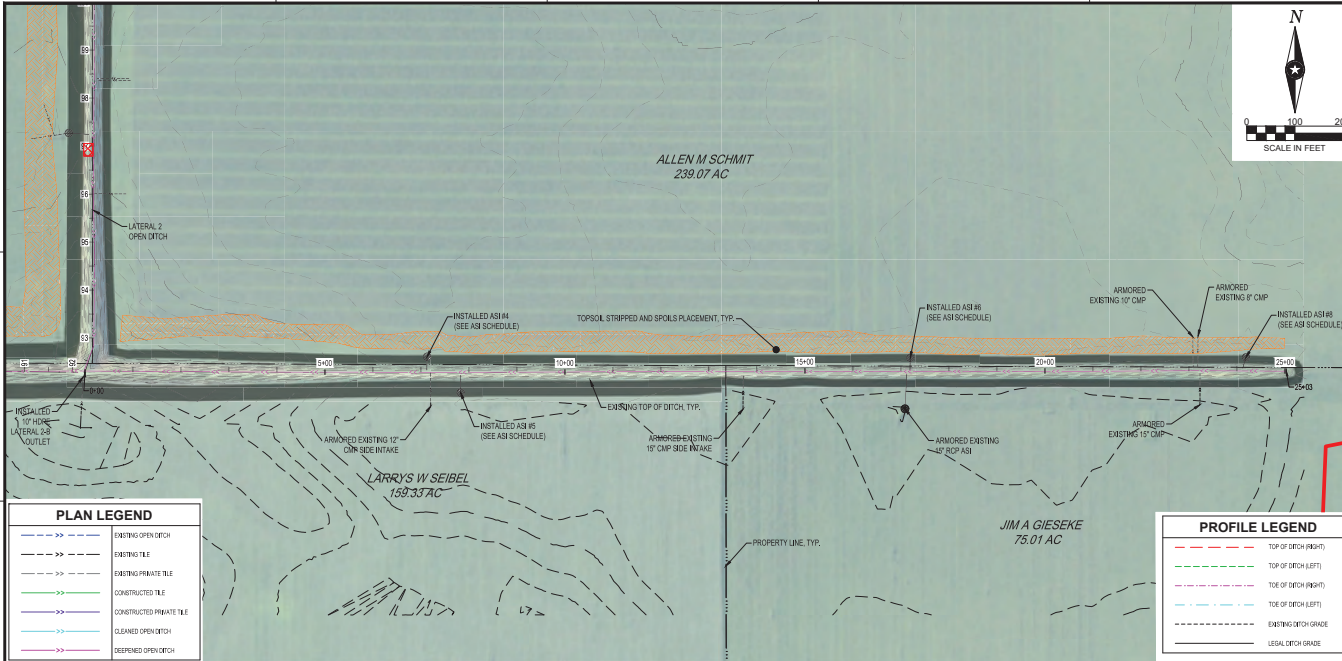
SHEET

9

OF 14







PLAN LEGEND

- EXISTING OPEN DITCH
- EXISTING TILE
- EXISTING PRIVATE TILE
- CONSTRUCTED TILE
- CLEANED OPEN DITCH
- DEEPENED OPEN DITCH

PROFILE LEGEND

- TOP OF DITCH (RIGHT)
- TOP OF DITCH (LEFT)
- TOE OF DITCH (RIGHT)
- TOE OF DITCH (LEFT)
- EXISTING DITCH GRADE
- LEGAL DITCH GRADE

NOTE:
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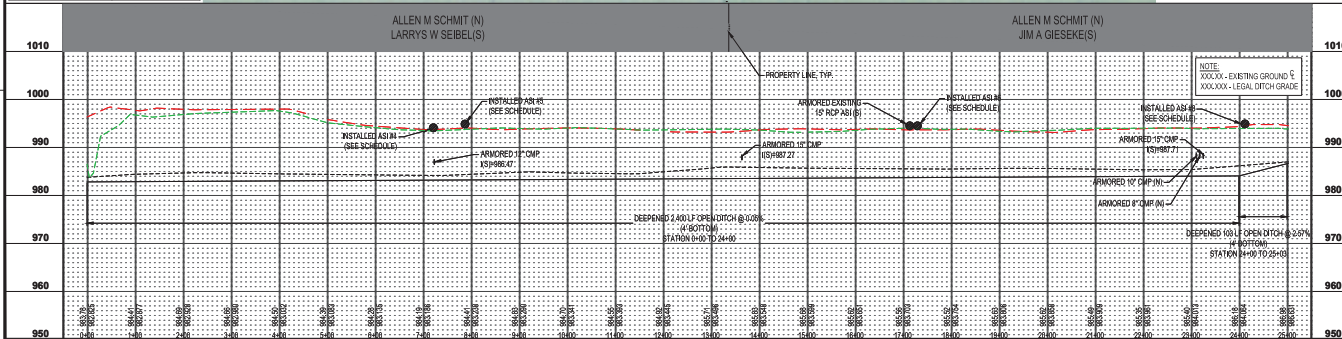
I HEREBY CERTIFY THAT THE PLANS SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

CHARLES J. BRANDT

DATE: 10/4/2022 EXP. NO.: 43359

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PROJECT
NICOLLET COUNTY
COUNTY DITCH
No. 77
LAFAYETTE TWP. MINNESOTA



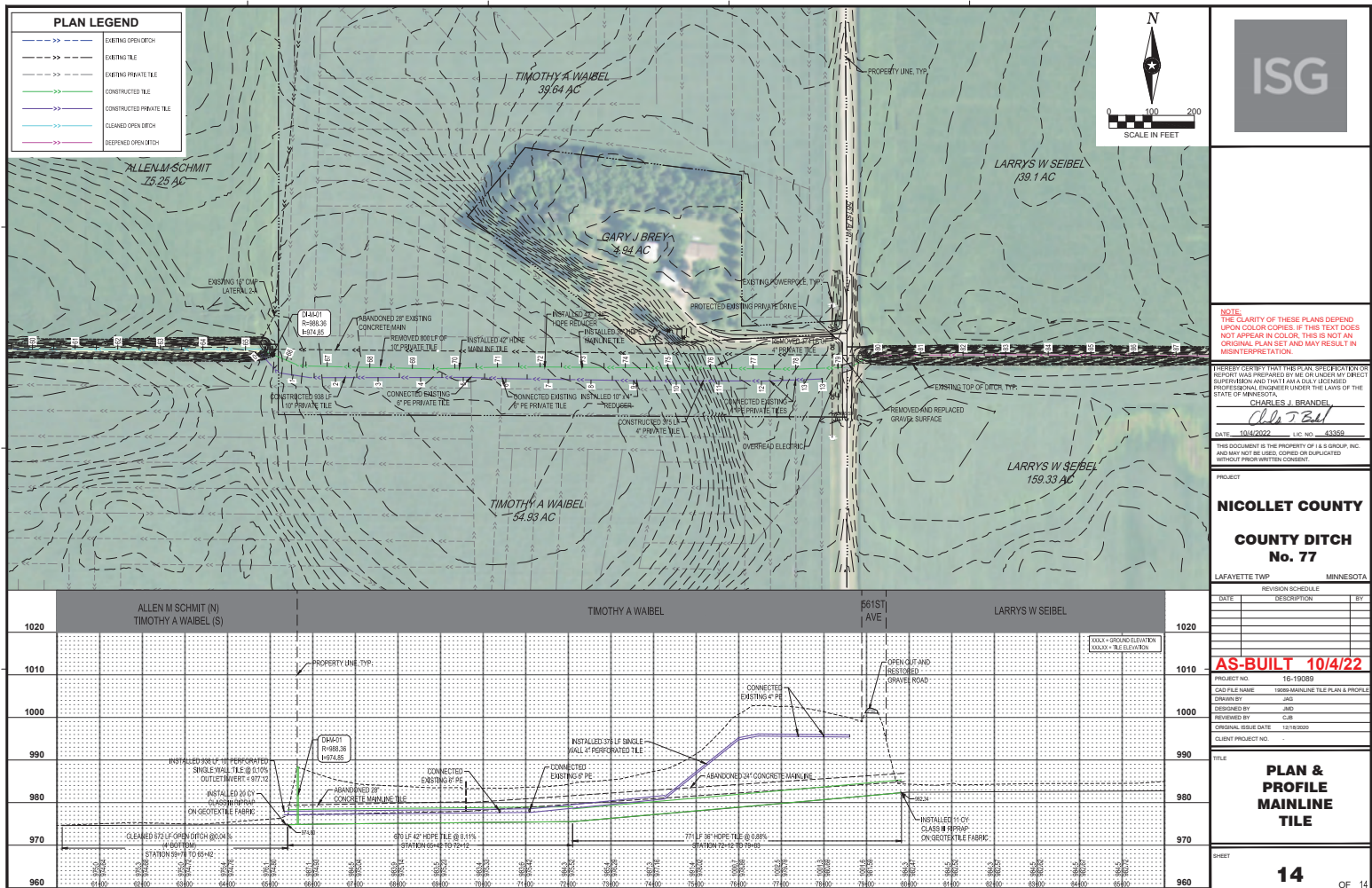
DATE	REVISION	DESCRIPTION	BY

AS-BUILT 10/4/22

PROJECT NO.	16-19089
CAD FILE NAME	MINNOPEN DITCH IMPROVEMENT
DRAWN BY	JMD
DESIGNED BY	JMD
REVIEWED BY	CJB
ORIGINAL ISSUE DATE	10/16/2022
CLIENT PROJECT NO.	

PLAN & PROFILE
LATERAL 2-C
OPEN DITCH

SHEET
13
OF 14



OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY
DECEMBER 18, 2018

The Nicollet County Drainage Authority met in regular session on Tuesday, December 18, 2018 at 9:42 a.m. with Chair Jack Kolars presiding. Commissioners Marie Dranttel, James Stenson, Denny Kemp and John Luepke were present. Also present were County Administrator Ryan Krosch, County Attorney Michelle Zehnder Fischer, Public Services Manager Jaci Kopet, Public Works Director Seth Greenwood and Recording Secretary Lynette Peterson.

Consent Agenda

Motion by Commissioner Kemp and seconded by Commissioner Dranttel to approve the consent agenda items as follows: approval of the November 27, 2018 Drainage Authority minutes and Drainage System Fund Balance Policy. Motion carried with all voting in favor.

Set 2017 Crop Damages for CD 62A Improvement Project

Public Services Manager Kopet requested the Board consider setting 2017 crop damages for the CD 62A Improvement Project. ISG Project Engineer Chuck Brandel recommended the rate of \$585 per acre for corn and \$570 per acre for soybeans. Commissioner Kemp questioned if landowners can contest the amount set by the Board. Attorney Michelle Zehnder Fischer stated contesting the amount set by the Board would go through an appeal in Court. Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the 2017 crop damage rates of \$585 per acre for corn and \$570 per acre for soybeans for the CD 62A Improvement Project. Motion carried with all voting in favor.

Order to Approve Redeterminations for CD 4A, CD 13A, CD 33A, CD 48A & CD 51A

Public Services Manager Kopet requested the Board consider approval of the Findings of Facts and Order for the Redetermination of Benefits of CD 4A, CD 13A, CD 33A, CD 48A and CD 51A. Ms. Kopet is recommending the appointment of Mark Behrends and his associates to complete the redetermination of benefits. Mr. Behrends has indicated that they will be ready to begin the redetermination process on additional ditches after January 1, 2019. Public Services Manager Kopet recommended the following ditches be considered for redetermination: CD 4A, CD 13A, CD 33A, CD 48A and CD 51A. Public Services Manager Kopet recommended that Mark Behrends, Robert Hansen, Kendall Langseth, Joe Mutschler and Bruce Ness be appointed as the views and that Jones, Hauge & Smith Engineering be appointed to determine the watershed areas for the systems. Motion by Commissioner Stenson and seconded by Commissioner Dranttel to approve the Findings of Fact and Order for CD 4A, CD 13A, CD 33A, CD 48A and CD 51A.

Commissioner Stenson asked the viewers to address the watershed for Ditch 13A east of Oak Leaf Lake. The lake is not draining. He also asked the viewers to consult with the Project 33 Watershed Committee on the CD 33A and CD 51A ditches. This Committee consists of County and City staff that is meeting in an effort to look at these two ditches and slow water down as it runs down the bluff line towards the new high school.

The City of St. Peter is interested in providing money and input to control those two ditches to minimize the downstream flow of water during big rains toward the school.

Motion carried with all voting in favor.

Consider Approval of Culvert Removal Form

Public Works Director Greenwood requested the Drainage Authority consider approval of a culvert removal request from Danny Boisen for removal of a ditch crossing at CD 9A. This request is for permanent removal of the ditch crossing as it is no longer needed. Motion by Commissioner Luepke and seconded by Commissioner Kemp to approve removal of the crossing at CD 9A. Motion carried with all voting in favor.

At 9:53 a.m., the Chair recessed the Drainage Authority meeting for a break. The meeting reconvened at 10:03 a.m.

Public Hearing on CD 77 Lateral 2 Preliminary Engineers Report

Public Services Manager Jaci Kopet stated a public hearing is scheduled for the CD 77 Lateral 2 Preliminary Engineer's Report. Chair Kolars opened the hearing on the Preliminary Engineer's Report.

Public Services Manager Kopet stated on September 29, 2017, a petition for the proposed improvement of Nicollet County Ditch #77 Lateral 2 was presented to the Nicollet County Public Services Department. The petition was reviewed by the Nicollet County Attorney Michelle Zehnder Fischer and approved by the Board 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 Board on October 23, 2018 and the hearing was set for today at 10:00 am. The Notice of Public Hearing was mailed and posted November 29, 2018. The notice was also published on November 29th, December 6th, and December 13th, 2018.

The purpose of the public hearing is to review the engineer's reports and take testimony from all parties to determine whether to proceed with the project or dismiss the petition. Public Services Manager Kopet noted the bond posted by the petitioners remains adequate.

Chair Kolars called upon Engineer Chuck Brandel, ISG, to present the Preliminary Engineer's Report (PER). The CD 77 Lateral 2 watershed primarily lies within Lafayette Township and provides drainage to approximately 1,750 total acres. The watershed was originally constructed in 1964 with 14,260 feet of open ditch and 9,125 feet of buried tile.

The current tile capacities are below NCRS recommended capacity as the original system is 54 years old and deteriorating. ISG explored two options for completing the improvement. The first option includes 28 inch and 24 inch tile that connects the open ditches and increases drainage to the 1 inch drainage coefficient. Option number two includes a storage pond in the low area. Temporary damages include an estimated 100-150 foot wide swath across proposed tile alignments and permanent damages include a 16.5 foot (1-rod) buffer strip and 3.15 acres for a storage pond. Since it is determined that the system is in disrepair, separable maintenance costs can be applied to the project including the difference in costs associated between pipe replacement and pipe improvement.

The cost of Option 1 is \$492,434 with estimated separable maintenance of \$305,644 for a net cost of \$186,789. The cost of Option 2 is \$609,168 with estimated separable maintenance of \$305,644 for a net cost of \$303,523.

The project does include road authority costs, abandonment of existing tile and multi-purpose drainage management.

Engineer Brandel stated both options are feasible, however the extra cost of Option 2 may not be warranted. Engineer Brandel stated the project, as presented, is cost effective, practical and feasible, and it is necessary. The project will be a public benefit and contribute to the public welfare of the area. The project should be considered for preliminary approval as described in the Preliminary Engineering Report and presented. Attorney Michelle Zehnder Fischer stated a minor amendment was submitted that verifies the names of tiles and laterals used in the Preliminary Engineering Report.

Public Services Manager Kopet read the response from the Commissioner of Natural Resources verbatim.

Engineer Brandel responded to the DNR's letter stating a pond is a feasible option. ISG will work with the DNR to further explore this option.

Chair Kolars opened the public hearing to the public.

Bruce Sellers, attorney for the petitioners, asked Engineer Brandel if he believed the proposed project is feasible; Engineer Brandel answered yes. Attorney Sellers asked if there was a necessity for the proposed project; Engineer Brandel answered yes. Attorney Sellers ask if Engineer Brandel considered multi-purpose drainage; Engineer Brandel answered yes. Attorney Sellers asked if the project promotes the public health; Engineer Brandel answered yes. Attorney Sellers asked if the outlet is adequate; Engineer Brandel answered yes. Attorney Sellers stated the Preliminary Engineer Report meets the requirements of Minnesota Statute Section 103E.245 and he would encourage the Board to approve the PER and order Engineer Brandel to prepare the Final Engineer's Report.

Al Schmidt, 39243 561st Avenue, New Ulm, questioned why the 1964 designed ditch only provided for a ½ inch co-efficiency when it is open ditch to open ditch. Engineer Brandel stated that including an open ditch in the improvement project could be considered, but the PER included replacing the tile as this was the option included in the Improvement Petition. Mr. Schmidt was concerned about overflow on the land and Engineer Brandel reported the final report will document the area of overflow and the viewers will receive this information also. Mr. Schmidt feels the flat lands on this system act as natural retention ponds and that the retention pond in Option 2 is not necessary.

Tim Waibel, 45438 541st Avenue, Courtland, questioned keeping the existing tile and who is responsible for maintaining the tile once the improvement is completed of that tile. Engineer Brandel stated the existing tile will be abandoned once the new tile is installed. The land owners are then responsible for maintenance of the abandoned tile. At the request of land owners, crews can crush the abandoned tile in 4-5 spots. Mr. Waibel was concerned about the proposed holding pond in Option 2 which would be on his land. Mr. Waibel noted that he has invested a lot of money in this land. Mr. Waibel did not object to it if needed but he wants to make sure land owners are treated fairly and appropriately compensated.

With no additional public comments provided, Chair Kolars closed the public hearing.

Engineer Brandel commented on the landowners concerns regarding tiles being underwater.

Motion by Commissioner Luepke and seconded by Commissioner Dranttel to accept the PER and direct ISG to prepare a Final Engineering Report on Option 1.

Engineer Brandel stated there are no DNR permits needed for this project.

Attorney Sellers inquired about including Option 2 in the Final Engineering Report to make sure the Board has all the information it needs to consider in the future. Engineer Brandel stated it would not be too much additional work or cost to look at Option 2.

Commissioner Kemp asked about utilizing an open ditch instead of tile and whether it should be considered. Mr. Schmidt then questioned how much it would be to move forward with the open ditch instead of tile. Engineer Brandel stated it would be more expensive than the pipe option and alignment of the system would need to be adjusted. The capacity would depend on the size of the culvert under the road.

Motion by Commissioner Stenson and seconded by Commissioner Kemp to amend the original motion to include Option 2 in the Final Engineering Report. Motion carried.

The Commissioners voted on the amended motion: Motion by Commissioner Luepke and seconded by Commissioner Dranttel to accept the PER and direct ISG to complete a Final Engineer's Report, to include engineering for Option 1 and Option 2. Motion carried.

Motion by Commissioner Kemp and seconded by Commissioner Luepke to confirm the petition was properly filed. Motion carried with all voting in favor.

Motion by Commissioner Kemp and seconded by Commissioner Luepke to confirm that proper notice of the preliminary hearing was provided to all persons required under statute. Motion carried.

Motion by Commissioner Kemp and seconded by Commissioner Luepke that the proposed drainage project will be of public benefit and promote public health after considering the environmental and land use criteria in Minn. Stat. § 103E.015, subd. 1. Motion carried.

Motion by Commissioner Luepke and seconded by Commissioner Kemp to find that the outlet is adequate. Commissioner Stenson questioned if there is an outlet fee. Engineer Brandel stated the viewers determine this as part of the redetermination. Motion carried.

Motion by Commissioner Kemp and second by Commissioner Luepke to find that the proposed drainage project outlined in the Petition and as recommended by the Engineer is feasible. Motion carried.

At 11:05 a.m., the Chair recessed the Drainage Authority meeting for a break. The meeting reconvened at 11:18 a.m.

Motion by Commissioner Kemp and seconded by Commissioner Luepke to appoint Viewers Ron Ringquist, Charles W. Anderson and Brad Wick. Motion carried.

Motion by Commissioner Kemp and seconded by Commissioner Luepke to adopt the Findings of Fact and Order for County Ditch 77, Lateral 2. Motion carried with all voting in favor.

**BEFORE THE NICOLLET COUNTY DRAINAGE AUTHORITY
FOR COUNTY DITCH NO. 77 Lateral 2**

Findings of Fact and Order of the Drainage Authority
Directing Engineer to Proceed With a Detailed
Survey and Detailed Survey Report and for the
Appointment of Viewers, by the Drainage Authority
Of Nicollet County, Regarding the Petition for
Improvements to County Ditch 77 Lateral 2, Lafayette Township

The Drainage Authority, having completed its deliberations, its examination of all files and records herein, its hearing of all interested persons, and its consideration of all reports, makes the following:

FINDINGS OF FACT

1. A Petition for Improvement to Nicollet County Ditch 77 Lateral 2 was filed with the Nicollet County Public Services Office. The contents of said Petition meet the criteria set forth in Minnesota Statute Section 103E.215 to initiate an improvement of a drainage system.
2. The Drainage Authority accepted the Petition and appointed Charles Brandel, PE, of I&S Group to act as the engineer to prepare a Preliminary Engineer's Report.
3. The Petitioners have filed an adequate bond to cover all expenses incurred to date. An additional bond shall be required of Petitioners should the current bond be insufficient to cover additional expenses incurred prior to the approval of the final Improvement.
4. Engineer Brandel filed a preliminary survey report with Nicollet County Public Services.
5. A Hearing on the Preliminary Engineer's Report was held at 10:00 p.m. in the Nicollet County Board Room at the Nicollet County Government Center on December 18, 2018.
6. Proper notice of the Preliminary Hearing was provided as required under Minnesota Statute Section 103E.261. In addition, said notice was published in the legal newspaper of Nicollet County on November 29th, December 6th, and December 13th, 2018.
7. Engineer Brandel's preliminary survey and plan contains all the required elements set forth in Minnesota Statute Section 103E.245, subdivision 4. The plan addresses the improvements, the outlet of the project, the watershed of the drainage project, and the property likely to be affected. Engineer Brandel further explained his analysis of whether the proposed drainage project met the criteria set forth in Chapter 103E of Minnesota Statutes.
8. A copy of Engineer Brandel's preliminary survey and plan was provided to the Commissioner of Natural Resources. The Commissioner of Natural Resources filed a preliminary advisory report with Nicollet County Public Services. The Preliminary Advisory report endorsed Option 2 as identified in the Preliminary Engineering Report as its preferred option.
9. The proposed drainage project will be of public benefit and promote the public health after considering all the environmental and land use criteria set forth in Minnesota Statute Section 103E.015, subdivision 1.
10. The proposed improvement project is necessary.
11. The outlet for the drainage project is adequate.
12. The proposed drainage project outlined in the Petition or modified and recommended by Engineer Brandel is feasible.
13. The Preliminary Engineer's Report establishes that the criteria are met for proceeding with a detailed survey and detailed survey report.
14. The order for a detailed survey makes necessary the appointment of three disinterested residents of the state who are qualified to assess benefits and damages as a result of the improvement.
15. The Drainage Authority requests development of a Final Engineering Report that includes consideration of Option 1 and Option 2 to ensure the Drainage Authority has adequate information before it to reach a final decision.

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Nicollet County Ditch 77, Lateral A, hereby orders as follows:

ORDER

1. Charles Brandel, PE, I&S Group, is directed to prepare a Detailed Survey and Detailed Survey Report as provided for in Minnesota Statute Chapter 103E to include the plans and specifications for the proposed drainage project, including Option 1 and Option 2, and submit the Detailed Survey and Detailed Survey Report as soon as possible.
2. Ron Ringquist, Charles W. Anderson, and Brad Wick, disinterested residents of the State, are appointed as viewers herein and are ordered to prepare a report for the cost of the improvement to be assessed against the property benefited by the improvement.

Order to Approve Redeterminations for CD 4A, CD 13A, CD 33A, CD 48A & CD 51A

Public Services Manager Kopet requested the Board act on each Redetermination of Benefits Resolution individually, rather than as a single vote, for adoption of the Findings of Fact and Order for CD 4A, CD 13A, CD 33A, CD 48A and CD 51A.

Motion by Commissioner Kemp and seconded by Commissioner Luepke to approve the Findings of Fact and Order for CD 4A. Motion carried with all voting in favor.

BEFORE THE NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR NICOLLET COUNTY DITCH # 4A

Findings of Fact and Order Regarding
Order to Redetermine Benefits

WHEREAS, the Nicollet County Board of Commissioners, acting as Drainage Authority for Nicollet County Ditch # 4A, has been informed that a redetermination of benefits for Nicollet County Ditch #4A would be desirable; and

WHEREAS, based on the information received, the Nicollet County Board of Commissioners, as Drainage Authority for Nicollet County Ditch #4A, makes the following Findings of Fact and Order:

1. That the Drainage Authority determines that the original benefits or damages determined in the drainage proceedings do not reflect reasonable, present day values; and/or
2. The benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Nicollet County Ditch #4A shall be redetermined and that Mark Behrends, Robert Hansen, Kendall Langseth, Joe Mutschler, and Bruce Ness are hereby appointed viewers to prepare a viewers' report pursuant to Minnesota Statutes 103E.351.

BE IT FURTHER RESOLVED that the County Board Chair and County Administrator are authorized to enter into contracts with the appointed viewers to provide for the services authorized herein.

BE IT FURTHER RESOLVED that the Engineering firm of Jones, Hauge, & Smith is appointed as the engineering firm hired to determine the watershed area for the system listed above.

Dated this 18th day of December, 2018

NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY FOR
NICOLLET COUNTY DITCH 4A

Motion by Commissioner Luepke and seconded by Commissioner Kemp to approve the Findings of Fact and Order for CD 13A. Motion carried with all voting in favor.

BEFORE THE NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR NICOLLET COUNTY DITCH # 13A

Findings of Fact and Order Regarding
Order to Redetermine Benefits

WHEREAS, the Nicollet County Board of Commissioners, acting as Drainage Authority for Nicollet County Ditch # 13A, has been informed that a redetermination of benefits for Nicollet County Ditch #13A would be desirable; and

WHEREAS, based on the information received, the Nicollet County Board of Commissioners, as Drainage Authority for Nicollet County Ditch #13A, makes the following Findings of Fact and Order:

1. That the Drainage Authority determines that the original benefits or damages determined in the drainage proceedings do not reflect reasonable, present day values; and/or
2. The benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Nicollet County Ditch #13A shall be redetermined and that Mark Behrends, Robert Hansen, Kendall Langseth, Joe Mutschler, and Bruce Ness are hereby appointed viewers to prepare a viewers' report pursuant to Minnesota Statutes 103E.351.

BE IT FURTHER RESOLVED that the County Board Chair and County Administrator are authorized to enter into contracts with the appointed viewers to provide for the services authorized herein.

BE IT FURTHER RESOLVED that the Engineering firm of Jones, Hauge, & Smith is appointed as the engineering firm hired to determine the watershed area for the system listed above.

Dated this 18th day of December, 2018

NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY FOR
NICOLLET COUNTY DITCH 13A

Motion by Commissioner Luepke and seconded by Commissioner Kemp to approve the Findings of Fact and Order for CD 33A. Motion carried with all voting in favor.

BEFORE THE NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR NICOLLET COUNTY DITCH # 33A

Findings of Fact and Order Regarding

Order to Redetermine Benefits

WHEREAS, the Nicollet County Board of Commissioners, acting as Drainage

Authority for Nicollet County Ditch # 33A, has been informed that a redetermination of benefits for Nicollet County Ditch #33A would be desirable; and

WHEREAS, based on the information received, the Nicollet County Board of Commissioners, as Drainage Authority for Nicollet County Ditch #33A, makes the following Findings of Fact and Order:

1. That the Drainage Authority determines that the original benefits or damages determined in the drainage proceedings do not reflect reasonable, present day values; and/or
2. The benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Nicollet County Ditch #33A shall be redetermined and that Mark Behrends, Robert Hansen, Kendall Langseth, Joe Mutschler, and Bruce Ness are hereby appointed viewers to prepare a viewers' report pursuant to Minnesota Statutes 103E.351.

BE IT FURTHER RESOLVED that the County Board Chair and County Administrator are authorized to enter into contracts with the appointed viewers to provide for the services authorized herein.

BE IT FURTHER RESOLVED that the Engineering firm of Jones, Hauge, & Smith is appointed as the engineering firm hired to determine the watershed area for the system listed above.

Dated this 18th day of December, 2018

NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY FOR
NICOLLET COUNTY DITCH 33A

Motion by Commissioner Luepke and seconded by Commissioner Kemp to approve the Findings of Fact and Order for CD 48A. Motion carried with all voting in favor.

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

Findings of Fact and Order Regarding

Order to Redetermine Benefits

WHEREAS, the Nicollet County Board of Commissioners, acting as Drainage

Authority for Nicollet County Ditch # 48A, has been informed that a redetermination of benefits for Nicollet County Ditch #48A would be desirable; and

WHEREAS, based on the information received, the Nicollet County Board of Commissioners, as Drainage Authority for Nicollet County Ditch #48A, makes the following Findings of Fact and Order:

1. That the Drainage Authority determines that the original benefits or damages determined in the drainage proceedings do not reflect reasonable, present day values; and/or
2. The benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Nicollet County Ditch #48A shall be redetermined and that Mark Behrends, Robert Hansen, Kendall Langseth, Joe Mutschler, and Bruce Ness are hereby appointed viewers to prepare a viewers' report pursuant to Minnesota Statutes 103E.351.

BE IT FURTHER RESOLVED that the County Board Chair and County Administrator are authorized to enter into contracts with the appointed viewers to provide for the services authorized herein.

BE IT FURTHER RESOLVED that the Engineering firm of Jones, Hauge, & Smith is appointed as the engineering firm hired to determine the watershed area for the system listed above.

Dated this 18th day of December, 2018

NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY FOR
NICOLLET COUNTY DITCH 48A

Motion by Commissioner Luepke and seconded by Commissioner Kemp to approve the Findings of Fact and Order for CD 51A. Motion carried with all voting in favor.

BEFORE THE NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR NICOLLET COUNTY DITCH # 51A

Findings of Fact and Order Regarding
Order to Redetermine Benefits

WHEREAS, the Nicollet County Board of Commissioners, acting as Drainage Authority for Nicollet County Ditch # 51A, has been informed that a redetermination of benefits for Nicollet County Ditch #51A would be desirable; and

WHEREAS, based on the information received, the Nicollet County Board of Commissioners, as Drainage Authority for Nicollet County Ditch #51A, makes the following Findings of Fact and Order:

1. That the Drainage Authority determines that the original benefits or damages determined in the drainage proceedings do not reflect reasonable, present day values; and/or
2. The benefited or damaged areas have changed.

NOW, THEREFORE, it is hereby ordered that Nicollet County Ditch #51A shall be redetermined and that Mark Behrends, Robert Hansen, Kendall Langseth, Joe Mutschler, and Bruce Ness are hereby appointed viewers to prepare a viewers' report pursuant to Minnesota Statutes 103E.351.

BE IT FURTHER RESOLVED that the County Board Chair and County Administrator are authorized to enter into contracts with the appointed viewers to provide for the services authorized herein.

BE IT FURTHER RESOLVED that the Engineering firm of Jones, Hauge, & Smith is appointed as the engineering firm hired to determine the watershed area for the system listed above.

Dated this 18th day of December, 2018

NICOLLET COUNTY BOARD OF COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY FOR
NICOLLET COUNTY DITCH 51A

Motion by Commissioner Luepke and seconded by Commissioner Kemp to adjourn the meeting. The meeting adjourned at 11:22 a.m.

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 Rinquist 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 Rinquist, 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 18th, 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.

 6-26-2020
JOHN LUEPKE, CHAIR
DRAINAGE AUTHORITY CHAIR

ATTEST:


RYAN KRÖSCH
CLERK TO THE DRAINAGE AUTHORITY

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 Rinquist to outline the changes to the viewer's report. Viewer Rinquist 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.


JOHN LUEPKE, CHAIR
DRAINAGE AUTHORITY CHAIR

ATTEST:


RYAN KROSCH
CLERK TO THE DRAINAGE AUTHORITY

OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY
July 28, 2020

The Nicollet County Drainage Authority met in regular session on Tuesday, July 28, 2020 at 11:26 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 via teleconference pursuant to Minnesota Statute 13D.021 due to the coronavirus pandemic. 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.

Consent Agenda

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the consent agenda items as follows: approval of the July 14, 2020 Drainage Authority minutes and the July 21, 2020 Special Drainage Authority minutes. Motion carried with all voting in favor.

Set Hearing Date for Ditch Cleanings

Public Services Manager, Jaci Kopet, appeared before the Drainage Authority to request a public hearing date be set for ditch cleanings to be completed this fall. The ditches requested to be cleaned are County Ditch 24A, County Ditch 16A and County Ditch 48A.

Motion by Commissioner Morrow and seconded by Commissioner Kemp to set the public hearing date for ditch cleanings for August 25, 2020 at 10:30 a.m. Motion carried with all voting in favor.

Consider Findings for the Correction to Benefits for CD77 Lateral 2

Manager Kopet presented the Findings of Fact and requested approval of the Findings for the Correction to Benefits for CD77 Lateral.

A public hearing was held on July 21, 2020 to correct the benefits for CD77 Lateral 2 that were previously approved on July 9, 2019. The changes were approved by the Drainage Authority at the July 21, 2020 meeting.

Motion by Commissioner Morrow and seconded by Commissioner Kemp to accept the Findings to correct the benefits for CD77 Lateral 2. Motion carried with all voting in favor.

BEFORE THE NICOLLET COUNTY BOARD OF COMMISSIONERS
ACTING AS DRAINAGE AUTHORITY FOR
COUNTY DITCH NO. 77 LATERAL 2

Findings of Fact and Order
Regarding the Amendment of the Redetermination of Benefits
For Nicollet County Ditch No. 77 Lateral 2

The Drainage Authority, having completed its deliberations, its examination of all files and records herein, its hearing of all interested persons, and its consideration of all reports, makes the following:

FINDINGS

1. A Redetermination of Benefits was ordered for Nicollet County Ditch No. 77 Lateral 2 on September 23, 2014.
2. Ron Ringuist, Brad Wick, Charles Anderson, and Lance Roberts were appointed viewers to submit a Redetermination of Benefits Report and the Benefits and Damages statement.
3. A public hearing was held on July 9, 2019, at the Nicollet County Government Center in St. Peter, Minnesota, to consider the submitted Viewer's Reports. Proper notice of the public hearing was posted, published, and mailed.
4. The Drainage Authority heard from Viewer Ron Ringquist regarding the methodology used to prepare the redetermination reports. The Drainage Authority also took public testimony and answered questions regarding the proposed redetermination.
5. The Drainage Authority adopted the Viewer's Report and assessment of benefits and damages on July 9, 2019.
6. A petition to improve County Ditch 77 Lateral 2 was accepted by the Drainage Authority on October 24, 2017. The Drainage Authority subsequently ordered a Preliminary Engineering Report following a hearing on October 18, 2018. The Drainage Authority ordered a Final Engineering Report. The Drainage Authority also ordered a Determination of Benefits report and appointed Viewers for the same. The Final Engineering Report was presented to the Department of Property and Public Services on January 21, 2020. The matter was then set for a public hearing.
7. A continued hearing on the Final Engineering Report for the improvement project was held on June 9, 2020. During this hearing, Viewer Ron Ringquist identified an error in the Redetermination of Benefits Viewer's Report regarding the efficiency rating for a portion of the system.
8. After discussion, the Drainage Authority ordered that the error should be corrected so that the Redetermination Report is accurate and so that any error is not perpetuated during any future proceedings. The Drainage Authority further directed that notice of the hearing to correct the Redetermination of Benefits report be mailed to all landowners and published.
9. Notice of the hearing to correct the Redetermination of Benefits Report was provided as follows:
 - a. Notice of Public Hearing was mailed to all landowners on County Ditch 77, Lateral 2 on June 29, 2020;
 - b. Notice of Public Hearing was posted on June 29, 2020; and
 - c. Notice of the Public Hearing was published in the St. Peter Herald and the Lafayette Ledger on July 2, July 9, and July 16, 2020.
10. Viewer Ron Ringquist explained the error he discovered in his report. He noted that some of the land drained using the original tile system that remained in place. This drainage changed the drainage efficiency rating for portions of the system. A correction to the system's efficiency rating does not alter the watershed of the system.
11. In all other aspects, the detailed Redetermination of Benefits Report and Benefit and Damages Statement adopted on July 9, 2019, was accurate.
12. The correction to the redetermination of benefits report, previously adopted by the Drainage Authority on July 9, 2019, ensures that future benefits, damages, and repairs are apportioned between the parcels in an accurate and fair manner.
13. The reports as amended are complete and correct.

NOW, THEREFORE, IT IS ORDERED as follows:

1. The viewers' report on file herein, and the assessment of benefits and damages stated therein, attached as Exhibit A, is hereby adopted.

2. The total benefits of County Drainage System 77 Lateral 2 is \$2,214,838.73.
3. The redetermined benefits and damages, and benefited and damaged areas shall take the place of, and shall be used, in determining assessments from the date of approval.
4. The acquisition of the one-rod grass strip previously ordered by the Drainage Authority shall remain in effect.
5. The Public Services Manager is directed to take all necessary actions to implement this redetermination of benefits.
6. The appeal period will be thirty (30) days after this Order is signed and filed in the County Public Services Office.

Consider Findings for the Improvement Project to CD77 Lateral 2

Manager Kopet presented the Findings of Fact and requested approval of the Findings for the Improvement Project to CD77 Lateral 2.

The Final Engineers Report Hearing was held on July 21, 2020 for CD77 Lateral 2. The Drainage Authority approved this project at that hearing.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the Findings for the Improvement Project to CD77 Lateral 2. Motion carried with all voting in favor.

BEFORE THE JOINT DRAINAGE AUTHORITY FOR NICOLLET COUNTY DITCH NO. 77 Lateral 2

Findings of Fact and Order of the Drainage Authority
On the Final Hearing Following the Detailed
Survey and Detailed Survey Report and Viewer's Report
by the Drainage Authority of Nicollet County,
Regarding the Petition for Improvements to
Nicollet County Ditch No. 77 Lateral 2,
Lafayette Township

The Drainage Authority, having completed its deliberations, its examination of all files and records herein, its hearing of all interested persons, and its consideration of all reports, makes the following:

FINDINGS OF FACT

14. A Petition for Improvement to Nicollet County Ditch 77 Lateral 2 was filed with the Nicollet County Public Services Office. The contents of said Petition met the criteria set forth in Minnesota Statute Section 103E.215 to initiate an improvement of a drainage system.
15. The Nicollet County Drainage Authority accepted the Petition on October 24, 2017. The Drainage Authority also appointed Charles L. Brandel, PE, of I & S Group to act as the engineer to prepare a Preliminary Engineer's Report.
16. Engineer Brandel completed his Preliminary Engineer's Report and filed it with the Nicollet County Public Services Office on October 18, 2018.
17. A copy of the Preliminary Survey Report was mailed to the Director of the Division of Ecological and Water Resources at the Department of Natural Resources on October 18, 2018.
18. Proper notice to landowners of the Preliminary Hearing was provided as required under Minnesota Statute Section 103E.261. Said notice was published in the legal newspaper of Nicollet County on November 29,

December 6, and December 13, 2018; notice was posted on November 29, 2018; and notice was mailed to all landowners on November 29, 2018.

19. A Hearing on the Preliminary Engineer's Report was held at the Nicollet County Government Center on December 18, 2018.
20. Engineer Brandel presented the Preliminary Engineer's Report and explained his analysis of whether the proposed drainage project met the statutory criteria set forth in Chapter 103E of Minnesota Statutes.
21. The Commissioner's Advisory Report on the Preliminary Engineer's Report was read verbatim by Ms. Kopet and included in the record of the proceedings.
22. Comments were received at the public hearing and addressed by the Drainage Authority.
23. The Drainage Authority then ordered a Final Engineering Report.
24. On December 18, 2018, the Drainage Authority appointed Ron Rinkist, Charles W. Anderson, and Brad Wick to complete a determination of benefits from the proposed improvement project.
25. On January 21, 2020, Engineer Brandel filed the Final Engineering Report with the Department of Property and Public Services.
26. The Final Engineer's Report was sent to the Commissioner of Natural Resources on January 21, 2020. The Commissioner's letter in response to the Final Engineering Report was filed with the Drainage Authority on February 7, 2020.
27. Within 30 days after the viewers' report was filed, the Public Services Manager made a property owners' report from the information in the viewers' report in conformance with the requirements of Minn. Stat. § 103E.323, subd. 1. The Public Services Manager mailed a copy of the property owners report to each property owner affected by the proposed drainage project and an affidavit of mailing is on file with the Drainage Authority.
28. On February 11, 2020, the Drainage Authority scheduled a hearing for March 24, 2020, to review Engineer Brandel's Final Engineering Report and the Viewers' Report. The Drainage Authority directed the Public Services Manager to provide notice of the final hearing by publication, by posting, and by mail to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
29. Proper notice of the Final Hearing was provided as required under Minn. Stat. § 103E.261. Said notice was published in the St. Peter Herald and the Lafayette-Nicollet Ledger on March 5, March 12, and March 19, 2020; notice was posted on March 5, 2020; and notice was mailed to all landowners on March 5, 2020.
30. On March 13, 2020, Governor Tim Walz issued Executive Order 20-01 declaring a Peacetime State of Emergency as a result of the Novel Coronavirus Disease 2019 (hereinafter COVID-19). Thereafter, Governor Walz issued Executive Orders that required Minnesotans to stay at home except for the limited purposes set forth within the Executive Orders. These Executive Orders are 20-20 (time period March 27, 2020 to April 10, 2020), 20-33 (time period April 8, 2020 to May 3, 2020), and 20-48 (time period May 3, 2020 to May 17, 2020).
31. On March 24, 2020, the Nicollet County Board of Commissioners authorized an Emergency Disaster Declaration as a result of COVID-19.
32. As a result of the Executive Orders issued by Governor Walz, and based upon the recommendations of the Minnesota Department of Health and the Centers for Disease Control, the Nicollet County Government Center was closed to the public on March 19, 2020, and remained closed to the public until May 21, 2020.
33. 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 to April 14, 2020. The Drainage Authority continued the public hearing from April 14, 2020, to May 19, 2020, due to the continued Executive Orders directing Minnesotans to stay home and the closure of the Nicollet County Government Center.

34. Nicollet County Property Services mailed to each impacted landowner a letter outlining the continuance of each previously scheduled hearing and the reason for the continuance of the hearing.
35. Governor Walz issued Executive Order 20-56 that ended the prior stay at home restrictions and included guidance for engaging in other activities. Executive Order 20-56 permitted governmental meetings, but continued the recommendation for remote meetings whenever possible.
36. The Drainage Authority conducted the May 19, 2020, hearing in person. The Drainage Authority permitted landowners and affected individuals to either call in for the hearing or attend the hearing in person. The Drainage Authority further permitted Viewer Ringquist to appear via telephone.
37. Property Services also mailed to all landowners and affected individuals a letter containing the engineer's power point presentation and instructions on how to call in for the May 19, 2020, hearing. The call in option allowed landowners and affected individuals to participate in the hearing, both to hear the hearing content and to ask questions during the public hearing.
38. The final report of the Commissioner was read verbatim at the hearing on May 19, 2020. The Commissioner of Natural Resources did not appear for the hearing. The Director of the Division of Waters in the Department of Natural Resources did not appear for the hearing. The Commissioner's report did not specifically approve or object to the Improvement Project.
39. During the May 19, 2020, hearing, Engineer Brandel presented the Final Engineering Report, including recommendations for specific improvements and repairs. The Report contained two improvement options. Engineer Brandel recommended that the Drainage Authority order Option 1 as presented in the Final Engineering Report, dated January 2019. Option 2, as presented in the Final Engineer Report, was not cost effective as the costs exceed the benefits generated by the improvement project.
40. Engineer Brandel further offered a response to some of the concerns raised by the Commissioner regarding the need for a storage basin. Based upon engineering modeling for 2, 5, and 10 year rain events that showed little downstream impact from the upstream improvement, the changes proposed to the system did not warrant the storage system outlined in Option 2 of the Engineer's Report or the expense associated with creating the storage system.
41. Engineer Brandel further outlined the repairs needed to the system that explained the separable maintenance costs set forth in the Final Engineering Report.
42. Attorney Bruce Sellers, representing the Petitioners, appeared for the hearing and noted that Option 1 of the Engineer's Report meet all required statutory criteria, that it served public utility, and provided a public benefit. He asked the Drainage Authority to approve Option 1 as outlined in the Engineer's report.
43. Viewer Ron Ringuist presented the viewer's report to the Drainage Authority.
44. During the May 19, 2020, public hearing, the following persons appeared and provided comment:
 - a. Tim Waibel, 45438 541st Avenue, Courtland, Minnesota, expressed concern about the per acre construction damage calculation, crop loss compensation, and the long-term impact to his property from the soil disruption. Mr. Waibel also expressed concern that the construction may damage his existing tile lines. He further expressed concern that the improvement will result in additional water flowing downstream into structures that are not being improved and he was concerned it would create downstream flooding.

Engineer Brandel noted that the downstream ditch system has sufficient capacity to handle any increase in flow created by the improvements to the system. Engineer Brandel asked that Mr. Waibel provide information about his existing tile and further noted that damages would be paid if the tile is damaged during construction.

Viewer Ringquist explained the data used to calculate the damages for crop loss and land damages.

- b. Jim Gieseke, 55472 Fort Road, New Ulm, Minnesota, noted that his land is currently being assessed as benefitting from both CD 77 and 86A. He wanted his land accessed into one system or the other.

Viewer Ringquist noted that benefits are assessed based upon how the water flows and the calculations take into account parcels that may be assessed as draining into two systems.

- c. Rick Franta, 35981 605th Avenue, Lafayette, Minnesota, expressed concern that the proposed improvements may create a "bottleneck" area of water downstream due to an increase in water flow.

Engineer Brandel noted that the improvement was designed to give the upstream system the same flow rate as exists in the downstream system. He further noted that the downstream culvert has sufficient capacity to handle the increased flow.

- d. Al Schmidt, 39243 561st Avenue, New Ulm, Minnesota, noted that his land benefits the most from the improvement project. He expressed that he wants his land to enjoy the same drainage coefficient as the other property on the system. Mr. Schmidt further noted that the existing system is 55 years old and needs to be replaced. The tile is presently too shallow and it is damaged during normal farming operations.

- e. Joey Kral, 38826 561st Ave, New Ulm, Minnesota, noted that the improvement needs to be completed. However, he noted some discrepancies in the viewer's report.

- 45. As a result of the questions raised by Mr. Kral, Viewer Ringquist identified errors in his submitted Determination of Benefits report. Viewer Ringquist agreed to amend his report and submit it to Property Services Director Kopet.
- 46. The Drainage Authority continued public comment on the Final Engineer's Report to allow for the correction of the Viewer's Report and to further allow that report to be distributed to the affected landowners. The public hearing was continued until June 9, 2020, at 10:00 a.m.
- 47. Property Services Director Kopet mailed to landowners the corrected Viewer's Report for consideration at the June 9, 2020 continued hearing.
- 48. At the hearing on June 9, 2020, Viewer Ringquist noted a further error in the Redetermination of Benefits Report that was originally adopted by the Drainage Authority on July 9, 2019. The error did not change the watershed included in the drainage system, but it changed the efficiency rating of the system. The Drainage Authority deemed it necessary to correct the Redetermination of Benefits report to ensure the report was accurate. The Drainage Authority continued the public hearing on the Final Engineering Report until July 19, 2020, to allow for notice to landowners of a hearing and its intent to correct the previously adopted Redetermination of Benefits.
- 49. On July 19, 2020, the Drainage Authority adopted the amended Redetermination of Benefits Report that corrected the error discovered during the June 9, 2020 hearing. The Drainage Authority adopted the Findings regarding the amended Redetermination of Benefits on July 28, 2020.
- 50. During the July 19, 2020, hearing, Engineer Brandel presented a video model that reflected the change in downstream flow caused by the improvement project during two different rain events. The video model reflected that the improvement would not adversely affect downstream properties.
- 51. The Final Engineer's Report was completed according to Chapter 103E of Minnesota Statutes. The Final Engineering Report and the Viewer's Report are complete and correct as amended.
- 52. Option 1 as outlined in the Final Engineer's Report is cost effective. Option 2 is not cost effective.
- 53. The Damages and Benefits of the Improvement Project have been properly determined. Based upon the Engineer's Report, the Viewers determined the total benefits from the Improvement Project to be

\$275,983.70 and Engineer Brandel determined the total project costs to be \$533,420.00, including separable maintenance of \$340,020.00. The net benefit of the improvement project is \$80,062.70.

54. The calculated benefits of Option 1 set forth the Engineer Brandel's Final Engineering Report are greater than the total estimated costs, including damages.
55. The proposed drainage project will be of public benefit and promote the public health.
56. The proposed drainage project is practical.
57. The Petitioners included within their petition a request for separable maintenance. The system is in need of repair and the cost of the repairs has been accounted for by the Engineer and Viewers.

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Nicollet County Ditch No. 77 Lateral 2, hereby orders as follows:

ORDER

7. The Nicollet County Drainage Authority for the County Ditch No. 77 Lateral 2 hereby establishes and orders said improvement to County Ditch No. 77 Lateral 2 as described as Option 1 in the Final Engineer's Report, and is further incorporated herein by reference.
8. The amount assigned by the Engineer as separable maintenance shall be charged to County Ditch No. 77 Lateral 2 and deducted from the cost of the improvement to County Ditch No. 77 Lateral 2.
9. The Drainage Authority directs the Public Services Manager to take all necessary actions for the construction of said Improvement to County Ditch No. 77 Lateral 2 and authorizes the Public Services Manager to proceed as necessary, reserving to itself only those matters that the Drainage Authority, by vote, must authorize.
10. Upon completion of the project, the drainage system record shall be updated with the as-built alignment and conditions of the improvement to County Ditch No. 77 Lateral 2.
11. The viewers' determination of benefits and damages for the Improvement to County Ditch No. 77 Lateral 2 contained in the viewers' report, as amended and dated May 21, 2020, and the benefits and damages statement are hereby confirmed and adopted by the drainage authority. Said report is attached as Exhibit A and is hereby incorporated by reference.
12. The viewers, engineer, and attorneys are allowed payment of their accounts of work.
13. The Public Services Manager shall ensure that the benefits roll is updated to reflect the benefits confirmed in this order.
14. The percentage of the cost of the drainage project to be paid by each affected landowner shall be in direct proportion to the benefits and damages as determined in the viewers' report.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Findings of Fact and Order. Motion passed with all voting in favor.

County Ditch 62A Improvement Project and Litigation

At 11:30 a.m., Chair Luepke moved to a closed session of the Drainage Authority, as permitted under Minnesota Statute §13D.05, Subdivision 3(b), to discuss litigation regarding the improvement project on Nicollet County Ditch 62A. Individuals attending the closed meeting were: Commissioners Denny Kemp, Marie Dranttel, Terry Morrow, John Luepke and Jack Kolars; County Administrator Ryan Krosch; County Attorney Michelle Zehnder

Fischer; County Engineer Seth Greenwood; Ditch Inspector Nate Henry; Public Services Manager Jaci Kopet and Attorney Roger Justin.

At 12:20 p.m. Chair Luepke called the Drainage Authority back to session

Motion by Commissioner Kemp and seconded by Commissioner Morrow to adjourn the meeting. The meeting adjourned at 12:20 p.m.



JOHN LUEPKE, CHAIR
BOARD OF COMMISSIONERS

ATTEST:



RYAN KROSCH
CLERK TO THE BOARD

PROPOSED LEVY

Based on the foregoing Findings and the entire record of proceedings before the Nicollet County Board of Commissioners, acting as the drainage authority for County No. 77 Lateral 2, hereby adopts the following drainage system assessment, installment schedule, interest rate, and maintenance fund and direct certification thereof to the County Public Services office for collection:

<u>County Ditch No. 77 Lateral 2</u>	<u>Amount to Levy</u>
Final Improvement Cost	\$623,243.53
Maintenance Costs since Last Levy	\$53,104.37
Future Repaid Fund	\$40,000.00
Total Levy	\$716,347.90

All assessments not paid by December 31, 2023 will be charged a 5% annual interest rate beginin January 1, 2024. Unpaid assessments will be assessed to the property tax roles begining in tax year 2024 with the following terms based on the amount of assessment:

- Up to \$15,000 5 years
- \$15,001 - \$50,000 10 years
- \$50,001 - \$100,000 15 years
- Over \$100,000 20 years