

**Before the Joint Board of Jackson and Nobles County Commissioners
Acting as Drainage Authority for Judicial Ditch 24
Acceptance and Closeout Hearing on Improvement
November 17, 2022 ~ 1:30 p.m.
Farmer's Room, Nobles County Courthouse, Worthington, MN
Minutes**

Commissioners Present

Jackson County: Scott McClure, Phil Nasby, James Eigenberg

Nobles County: Justin Ahlers, Bob Paplow

Staff Present

Jackson County: Kelly Rasche-Drainage Coordinator, Dave Macek-Drainage Supervisor,

Nobles County: Zach Reker-Drainage Systems Coordinator

Others Present

Bolton & Menk Engineer Shaun Luker and Attorney Kurt Deter,

Landowner Present on Sign in Sheet

- I. Agenda Approval – Motion to approve the agenda made by Commissioner Ahlers with a second by Commissioner Nasby, all yes, motion carried.
- II. Open Acceptance Hearings for the system – Board Chair McClure opened the hearing at 1:30 p.m.
- III. Purpose of Hearing – Attorney Deter is to provide the Drainage Authority and public and opportunity to share their comments and concerns related to the Improvement Project of Judicial Ditch 24.
- IV. Record of Notice Requirements – Rasche and Reker stated notices were posted and sent as state statute requires.
- V. Engineer's Report as to Status of Contract – Shaun Luker of Bolton & Menk provided and overview of the closeout report attached as Exhibit A. The report includes the final costs of the project amounting to \$3,587,746.46 including Separable Maintenance in the amount of \$2,516,338.32 (which includes ditch cleanout and buffer strip acquisition) and Improvement of \$1,071,408.14. Exhibit B is a listing of the tile to be decommissioned and abandoned. Luker stated the pipe was televised and issues repaired. The televising is the baseline for warranty work, if issues arise.
- VI. Public Comment and Questions Regarding Acceptance of Contact
 - a. Kurt DeVries – Requests a meeting to negotiate with the Drainage Authority to discuss the \$5,000 per acre permanent damages payment for the pond that was constructed on the DeVries land. They feel the land is worth more than the amount established in the Viewer's Report of \$5,000. Attorney Deter stated the hearing could move forward without negotiations being completed. It will be noted in the Findings and Order that the issue will be addressed by the Drainage Authority after the negotiations are held.
 - b. Keith Tordsen – A WASCOD was installed on his property, will damages be paid to him? The engineer stated the WASCOD acres were not negatively affected by the WASCOD and damages would not be paid for those acres. Mr. Tordsen also stated a connection was missed and crop loss occurred. Deter directed Mr. Tordsen submit his damages

information to the engineer for consideration of payment. Temporary damages will be paid at a rate of \$500 per acres, established by the Viewer's Report.

- c. Reinard Bosma – CD 1 question. He was directed to address this will staff after the JD 24 proceedings are completed.
- d. Steve Nelson – Inquired about temporary damages payment for punch list items addressed in the second growing season. He was, also, directed to submit his request to the engineer for review and consideration. There is also a sever washout on his land. Macek has reached out to the contractor to address this issue. The contractor has not completed the work yet.
- e. A general question about warranty was asked. The warranty period starts with the completion of this hearing and is 2 years on tile.
- f. It was stated damages are paid on actual measured acres. The Final Engineer's Report and Viewer's Reports are estimates.

The public hearing was closed at 2:11 p.m.

VII. Action by Drainage Authority

- a. Motion to find the contract complete and acceptable and authorize payment of retainage to Loo Con Inc in the amount of \$28,608.29 made by Commissioner Paplow with a second by Commissioner Eigenberg, all yes, motion carried.
- b. Motion to support a meeting of the Drainage Authority with the DeVries' and discuss the permanent damages for the pond made by Commissioner Ahlers with a second by Commissioner McClure, all yes, motion carried.
- c. Motion to acknowledge the requests for additional damages from landowners Tordsen and Nelson and direct the engineer to review them as accurate and acceptable made by Commissioner Ahlers with a second by Commissioner Nasby, all yes, motion carried.

VIII. Close Proceedings – Chair McClure closed the proceedings at 2:18 p.m.

Respectfully Submitted by
Kelly Rasche
Drainage Coordinator
Jackson County