

**BEFORE THE JACKSON/NOBLES  
BOARD OF COMMISSIONERS  
ACTING AS DRAINAGE AUTHORITIES FOR  
JACKSON/NOBLES JOINT JUDICIAL DITCH 13 and JUDICIAL DITCH 9  
November 17, 2022 at 10:00 a.m.  
Minutes**

**Commissioners in attendance:**

**Judicial Ditch 13 Commissioners:**

Jackson County Commissioners: Scott McClure, James Eigenberg, Phil Nasby

Nobles County Commissioners: Gene Metz, Robert Paplow

**Judicial Ditch 9 Commissioners:**

Jackson County Commissioners: Scott McClure, James Eigenberg

Nobles County Commissioners: Gene Metz, Robert Paplow, Justin Ahlers

**Staff in attendance:**

Nobles County: Zach Reker-Drainage System Coordinator,

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

Others: ISG Engineers-Jacob Rischmiller, Chuck Brandel, Attorney Kurt Deter,

**Landowner's in Attendance on Sign-In sheets**

1. Open Meeting
  - a. JD 9 – Chair Metz opened the meeting at 10:00 a.m. with a motion made by Commissioner Ahlers and a second by Commissioner McClure. Voice vote, all yes, motion carried.
  - b. JD 13 – Chair Nasby opened the meeting at 10:00 a.m. with a motion made by Commissioner Paplow and a second by Commissioner Eigenberg, voice vote, all yes, motion carried.
2. Approve Agenda
  - a. JD 9 – Chair Metz – Motion to approve the agenda for JD 9, with the removal of item 3 “Transfer of Funds” made by Commissioner Ahlers with a second by Commissioner Paplow, voice vote, all yes, motion carried.
  - b. JD 13 – Chair Nasby – Motion to approve the agenda for JD 13, with the addition of consideration of a proposal for change to bid package #4 of the project and removal of item 3 “Transfer of Funds” made by Commissioner Paplow with a second by Commissioner Metz, voice vote, all yes, motion carried.
3. Open Bid Acceptance Hearing
  - a. JD 9 – Chair Metz opened the hearing at 10:03 a.m.
  - b. JD 13 – Chair Nasby opened the hearing at 10:03 a.m.
4. Engineer's Presentation – Engineer Brandel shared that a hearing must be held to reduce contractor's retainage. As the project was broken into several bid packages, hearings of this type will be held at the end of each construction season, as bid package completion dictates.
5. Engineer's Presentation – Bid Specific
  - a. JD 9
    - i. Bid Package #1 – Engineer shared construction went well. The contractor did a good job installing the 60” pipe. Pictures of construction were shared. A mix of concrete and plastic was used in the construction as the cover was reduced in area, those were where concrete was used. Retainage is \$92,718.51 to be paid to Hodgman. Damages have been calculated. Temp damages are slightly over the engineer's estimate as more area was needed for contractor safety. The original system will be abandoned and become a private line, up to the landowner to maintain as desired. A map of the abandonments is in the submitted report and will be attached with the findings and order. If a private connection has been missed, there is warranty period in which the contractor is required to return and make the connection. This warranty is 3 years from acceptance date. Base bid was \$1,770,246.15 total was \$1,778,370.10. Engineer's recommend acceptance of bid package #1 of Hodgeman and the payment of the retainage.

- ii. Open for Public Comment
    - 1. Randy Robinson – Did contractor get paid for ripping their acres? They did not have theirs ripped. Ripping is not a separate bid item, they were paid to install tile and return the land to original.
    - 2. Myron Meyer – How much was over the bid? \$8,000 over, mostly in addition of more feet of 15” tile and some seeding that needed blanket. There was an overrun on some quantities and underrun on others, the net cost was \$8,000 overage.
    - 3. Public Comment closed at 10:21 a.m.
  - iii. Possible Board Action – Motion to accept Bid Package #1 and Pay Retainage of \$ 92,718.51 to Contractor ~ Hodgman Drainage Company, Inc. and contract is accepted as the contract has been substantially completed in accordance with the plans and specifications and abandon old tiles as mapped made by Commissioner Ahlers with a second by Commissioner McClure, voice vote, all yes, motion carried.
6. Close JD 9 Bid Acceptance Hearing – Motion to close hearing and adjourn the meeting at 10:22 a.m. made by Commissioner Ahlers with a second by Commissioner Eigenberg, voice vote, all yes, motion carried.
- a. JD 13
    - i. **Bid Package #1** – Cleaning of open ditch in Jackson County, tile outlets, tree removal, culvert crossings. Seeding blanket was installed along the bank. Contractor did a good job, considering the poor soils that were encountered throughout the project area. Some washouts occurred during the July rain event. The seeding was not established before that rain event. Open ditch warranty is one year from this acceptance. Majority of damages were in the buffer area. 30.8 acres permanent damages 3.4 acres temp damages for this package. Base bid \$1,206,018.22 final with change orders \$1,278,577.34. Additional side slope was added as additional sloughing occurred between the engineer’s estimate. Engineer’s recommend acceptance of bid package #1 of Noomen Excavating LLC and the payment of the retainage in the amount of \$180,967.17.
    - ii. Open for Public Comment
      - 1. Dale Ackermann—Land locked because of the deepening of the ditch. Expected a culvert to allow for crossing. Deter, an alternate route could be obtained. Macek, this land was split after the system was originally established at some point causing the land lock issue. A crossing was not a part of the project. Deter, recommends a conversation be had to address his issue. Brandel could put an estimate together for a culvert and compare to an alternate access. McClure, previously the banks were shallow and allowed crossing. Deter, more information needed to address the concern. Brandel, the crossing was installed at a shallower depth than the plans of the original system, the project deepened the ditch to original plans. The board acknowledges the situation, no promises made to the landowner on a remedy, only that the situation will be further reviewed and addressed by the board.
      - 2. Public Comment closed at 10:35.
    - iii. Possible Board Action – Motion to accept Bid Package #1 and Pay Retainage of \$180,967.17 to Contractor ~ Nooman Excavating and contract is accepted as the contract has been substantially completed in accordance with the plans and specifications made by Commissioner Metz with a second by Commissioner McClure, voice vote, all yes, motion carried. As this is all open ditch work, there is no tile abandonment with this bid package.
    - iv. **Bid Package #2** – Storage pond 1. Material was originally planned to be stored on the north and south side of the pond. Most of the materials was sand and gravel, most was gravel. The July rain event tested the system before completion, the pond worked as planned. During the rain event some sediment entered the system, the pond was over dug and the sediment is not a concern of the operation of the pond. The engineers feel the minor amount of sediment is not a hinderance and can be removed during the future scheduled cleanout. Much of the gravel is being used in the project, saving some dollars as additional trucking is not needed. Engineers

recommend acceptance and payment of the retainage. Perm damages 14.55 acres, temp damages 12.8 acres. Base bid was \$556,293.82. During construction there were 2 change orders, but there was a net savings for the project on some bid items compared to estimated quantities. Engineer's recommend acceptance of bid package #2 of Reker Construction & Aggregate LLC and the payment of the retainage.

- v. Open for Public Comment
    - 1. Jeff Livingston – One-year warranty on open ditch concerned if issue in 18 months. The maintenance funds would be used to make repairs after the warranty period.
    - 2. Paul Johnson – Concern of flow at culvert in section 3. This culvert was existing and not a part of the project, not changed. The culvert is higher than original plan, but not a negative effect on the operation of the system.
    - 3. Public Comment closed at 10:49 a.m.
  - vi. Possible Board Action – Motion to accept Bid Package #2 and Pay Retainage of \$54,094.30 to Contractor ~ Reker Construction and contract is accepted as the contract has been substantially completed in accordance with the plans and specifications made by Commissioner Eigenberg with a second by Commissioner Paplow, voice vote, all yes, motion carried.
  - vii. **Bid Package #3** – Package included 4 branches, branch kk, branch, kk1, brank w, ww3, ww5, ww7 and branch v. Tile were combination of spoon and excavation for tile installation. Soils were more favorable for work in this area. System was televised the minor issues found have been fixed. Damages temp 40.46 temp acres, 0 perm acres. Original bid \$709,666.79, final completion \$659,941. Engineer recommends acceptance and payment of the retainage. The portion of the originally planned system improved will be abandoned and move to private responsibly. Tile warranty is 3 years and begins with acceptance.
  - viii. Open for Public Comment
    - 1. Jeff Livingston – questioned damage payment if work needs to be done in a second season, damages may be paid again. Brandel, if there is an issue, contact the drainage authority for the county in which the issue occurs, don't address it yourself. Livingston, will solid tile float if they landowner works near the public tile. Brandel, one stick of pipe should not float. It may float if the landowner uncovers a large stretch of the pipe. Intakes at property lines and road crossings are best to be used for private tile. This would reduce the possibility of floating.
    - 2. Myron Meyer – Questioned amount of damages and timeline of damages paid. Damages will be paid after W9s are received from landowners. County staff will send out letters requesting the W9 from affected landowners. Not expected to happen until 2023.
    - 3. Public comment closed at 11:05 a.m.
  - ix. Possible Board Action – Motion to accept Bid Package and Pay Retainage of \$50,643.00 to Contractor ~ Loo Con Inc. and contract is accepted as the contract has been substantially completed in accordance with the plans and specifications and abandon noted tile in maps, made by Commissioner McClure with a second by Commissioner Metz, voice vote, all yes, motion carried.
7. Close JD 13 Bid Acceptance Hearing – Motion to close the JD 13 Bid Acceptance Hearing at 11:06 a.m. made by Commissioner Eigenberg with a second by Commissioner Paplow, all yes, motion carried.
8. Proposal for change to JD 13 Bid Package #4 – Rischmiller shared the information for the proposal. It is located in the new ditch being dug on the Putnam and Beck property. Pool soils, quick sand like, were found during the construction. The proposal is to install a 6" tile line at the top of the bank to intercept the water before it gets to the bank for erosion. Rip rap will also be added for protection. Engineer's recommend accepting the change and moving forward with the change. Jerry Beck asked how many acres will the new open ditch be? Rischmiller stated it is estimated to be 8.4 acres of the main and Branch S to be 8.4 acres. Estimated total acres of 16.8 acres. The final number will be GPS collected. The land will be paid at the amount set in the viewer's report. Motion to approve the change order proposal to address the location of poor soils that will need additional work at a cost of

\$28,534.00 made by Commissioner Paplow with a second by Commissioner Eigenberg, voice vote, all yes, motion carried.

9. Project Update – Engineers Rischmiller and Brandel shared an overview of the project. JD 13 Currently 53% completed. Currently running under estimates. Damages total temp at 32% and permanent at 82%. JD 9 currently 28% completed. Damages total temp at 27% and permanent at 0%. Next Bid Package 4 finishing with the change order approval, Bid Package 5 has started halted for winter, will resume in the spring, after spring field tiling. Bid Package 6 not started completion scheduled in November 2023. Bid Package 7 work has started, they will work as long as they can as weather allows. 2022 was good weather for construction.
10. Adjourn meeting of JD 13 Joint Board – Motion to adjourn the JD 13 meeting at 11: 21 a.m. made by Commissioner McClure with a second by Commissioner Paplow, voice vote, all yes, motion carried.

Respectfully Submitted By

Kelly Rasche

Drainage Coordinator

Jackson County