

Lac qui Parle-Yellow Bank Watershed District
Regular Meeting Minutes #608
October 6, 2020

Call to Order

The meeting was held in the Lac qui Parle County Annex, 422 5th Avenue, Madison, MN 56256 with ZOOM option. The meeting was officially called to order by Chairman, Darrel Ellefson at 4:30 p.m. Roll call was taken. **Managers present:** Chairman Darrel Ellefson, Vice-Chairman John Cornell, Secretary David Craigmile, & Publicity Manager Michael Frank all met in person with Manager David Ludvigson joining via ZOOM. **Managers absent:** none. **Staff present:** Administrator Trudy Hastad, Coordinator Mitch Enderson, Drainage Manager Jared Roiland and Park Manager Ron Fjerkenstad. **Others present via zoom:** Attorney John Kolb, Randy Brown, & Mark Machart with Ag Tech Drainage.

Approval of the Agenda

Chairman Ellefson asked for additions to the agenda. There were none. **M/S/P** to approve the agenda:

Motion: David Craigmile **Secinded:** John Cornell Roll call vote was taken & **Passed:** 5-0

Staff Reports:

PARK: Park manager, Ron Fjerkenstad reported on monthly activities.

- Removed tree's & heavy bushes on R-1 and will start on R-6 this week.
- Laleman's was out and ran 500 gallons water into three stations to clean out the lines to the lift station.
- Water was turned off October 1, 2020 and we are getting the park closed up for the season.
- We bought a new mulching kit for the TORO mower which is working great.
- We are planning to leave the dock in until the weather turns colder.
- Fixed a sticky lifter on the old Toro as it was rattling a bit.
- People are still fishing and report catching dinnerplate size crappies.

COORDINATOR: Mitch Enderson reported on monthly activities:

- Four people have entered the photo contest. I am hoping to get a few more photos.
- Everything is finished on the WRAPS grant and final invoices have been received.
- A kickoff meeting for the 1WIP was held with the steering team on September 28th. Next steps will include developing a workplan and a detailed budget. A memorandum of Agreement and approval of by-laws will also need to be completed. The Watershed will need a board member as a representative on the policy committee as well as an alternate.
- The Watershed will be the fiscal agent for the 1WIP grant and will be responsible for annual ELink reporting.
- I'm helping LQP County out with their GIS and spent some time on data requests, typically for parcels.
- Had a call with Mark Volz of Lyon County to get on the same page with status of GIS projects. The parcel redraw of the County still is the main focus, working with Desi Jibben to document more section corners.
- Sent the fall maintenance reminder letters for SSTS loans.
- Fifteen applications have been approved and twelve disbursements requested, leaving a balance of \$74,979.73. Our loan agreement runs through 8/20/2021, so the approximate \$50,000 remaining after this year will not be enough to last through the end of the agreement. In talking with MPCA, they recommend amending the agreement to add an additional \$500,000 and extend the agreement one year. Manager discussion followed.

M/S/P to authorize Mitch Enderson to apply to extend the SSTS loan with MPCA for an additional \$400,000 and extend the agreement to August 2022.

Motioned: David Craigmile **Secinded:** Michael Frank Roll call vote was taken & **Passed** 5-0

- We finally received an approval from the CORPS for the Del Clark/Canby Creek restoration grant. In working with Area II, the engineer thought it would be best to advertise bids in December and let bids in January with spring/summer construction.

WCA: Mitch Enderson

- Received a Draft Prospectus for a potential wetland bank site. The site is in section 4, Cerro Gordo, just north of a current bank site. The TEP is going to meet on the 13th for some onsite review in order to finalize response comments.
- Proposed dikes – two permit applications were submitted for dike structures in section 1, Maxwell Township. I recommend the permits be held for this month as it doesn't appear from the office that they would be allowable impacts without mitigating. The TEP will also hope to visit this site to determine if there are any options that could work.
- TEP panel met with Kane Radel on an expiring CRP site being investigated for permanent protection via wetland bank in section 15, Yellow Bank Township. The TEP was in agreement with wetland delineation boundaries and findings are being developed to establish crediting ratios, additional seeding/restoration requirements, and options for excess upland in the property.

DRAINAGE MANAGER/ INSPECTOR: Jared Roiland reported on monthly activities.

- I have been on the CD #54 Improvement job site multiple times this month and have taken pictures of the progress. Darrel & I met with Sam Muntean, LQP County Highway Engineer, on site as the contractor/ISG engineer never filed a permit with the Highway Department to dig the tile line through the ROW and placed the inspection intakes too close to the road. The Highway Engineer gave us the option to cut the intakes down to ground level and file an after the fact permit for going through the ROW. We will be discussing with the project engineer to get these issues resolved.
- Adam Lund & Paul Breberg requested an in office meeting with Darrel, Trudy, Mitch, & I to discuss a public waters cleanout we are working on at the outlet of CD #79 in section 23, Providence Township. We have filled out the DNR permit and just need to submit landowner consent forms to complete the application. Adam Lund will get the required landowner signatures to complete the permit application.
- I have been researching sprayer/chemical options for ditch spraying and really like the sprayer option that David Ludvigson had found. Discussion followed.
- H2Overviewers conducted the landowner meetings virtually for twelve LQP County ditches being redetermined the week of September 14th. We fielded calls from some landowners with questions, but the process went smoothly. H2Overviewers have made some changes and sent the corrected reports. The Final hearings are tentatively set for the middle of November.
- Spent some time researching tablet options for field work/work from home capabilities. I talked with the County IT director to get his input and he suggested a Microsoft Surface Pro LTE. He thought this would be the best option based on the capabilities that we would require. I am open to any and all options.

OTHERS PRESENT:

Attorney John Kolb met with the Board via ZOOM to review the supplemental findings and order revising the engineer's opinion of cost and authorizing bidding of the County Ditch #42 Improvement Project.

On August 4, 2020, the Drainage Authority adopted a final order establishing the improvement of County Ditch #42.

In the time between the filing of the detailed survey report (final engineer's report) in the proceedings and the adoption of the final order, the engineer has discovered several increases in the cost of materials and other work related to the project. These changes were significant enough to compel the engineer to file a report addendum setting forth updated opinions of probable cost related to the project. Attorney Kolb reported the Engineer evaluated the new cost over prior redetermination of net improvement costs and found the benefits exceeded the cost. Attorney Kolb recommended the board authorize the project to go forward and reviewed the supplemental findings and order revising Engineer's opinion of cost and authorizing bidding (attached Exhibit A).

M/S/P to approve the findings & order for supplemental findings and order revising engineer's opinion of cost and authorizing bidding.

Motion: Michael Frank Seconded: John Cornell Upon roll call vote motion Passed: 5-0

Mark Machart with Ag Tech Drainage met with the Board via ZOOM. He was just listening to the meeting and was checking to see if the Brandenburger Watershed permits were approved as he was the contractor doing the proposed project. The Board said they do the permits at the end of the meeting, but didn't think there were any concerns with the Brandenburger project. No action was taken.

Randy Brown met with the Board to ask for an extension on grazing for his pasture lease on Lazarus Creek. He would like to extend it until November 15, 2020 or snowout, whatever is first. Discussion followed. Manager's discussed moving the cattle when the Watershed sprays for bull thistle. Randy Brown said if he had a days notice, it wouldn't be a problem. Manager Cornell thought if the contract was extended that the renters sign something saying the Watershed District is not responsible for the cattle if they get sick from the spray. Discussion followed with Manager Craigmile thinking the hired spayers insurance would cover those issues. Hastad reported that Derek Bjornson had called to ask for a 3 week extension since the grass was still green. The managers felt if they extended the contract until November 15, 2020 it would apply to all the renters with the understanding this is a one year extension.

M/S/P to extend the pasture contract for grazing until Novmeber 15, 2020 (one year only).

Motion: Michael Frank Seconded: David Craigmile Upon roll call vote motion Passed: 5-0

TREASURERS' REPORT: Manager Ludvigson read and reviewed the Treasurer report.

M/S/P to approve the Treasurers report.

Motion by: David Craigmile Seconded by: Michael Frank Roll call was taken and motion Passed: 5-0

M/S/P to transfer \$5,000 from First Security Deposit account to United Prairie Bank park expense account.

Motion by: David Ludvigson Seconded by: David Craigmile Roll call was taken and motion Passed: 5-0

The following warrants were presented for approval:

Number	Vendor	Details	09/10/0020 to 10/06/2020
<u>General Klein Account:</u>			
6149	Chris & Crystal Birkholz/Wollschlager Exc.	SSTS Loan	\$12,938.92
6150	Justin Call/Wollschlager Excavating	SSTS Loan	\$11,684.91
6151	A Her/Paul Pillatzki	SSTS Loan	\$17,375.00
6152	LQP County Auditor/Treasurer	FEMA ditch money	\$64,477.74
6153	LQP County Auditor/Treasurer	FEMA ditch money	<u>\$4,298.51</u>
		TOTAL	\$110,775.08
<u>UPB Park Expense Account:</u>			
Transfer	To UPB General Acct.	10/5/2020 park payroll	\$4,268.92
1266	Frontier Communications	park phone, fax, internet	\$287.96
1267	Running's Supply, Inc.	blading @ Stonehill park	\$164.90
1268	Ag Plus Cooperative	gas, tire repair, lawn mower tubes	\$56.01
1269	Olson Sanitation	September trash	\$575.81
1270	C.A.S. Plumbing & Heating	quarterly softner rent	\$43.28
1271	Doug's Service & Marine	3 blades, 1 multch kit 52", seafoam, supplies	\$529.20
1272	Sturdevant's Auto Parts	parts/supplies	\$108.07
1273	Lincoln Pipestone Rural Water	water usage @ park	\$132.44
1274	Canby True Value	fly bait, works, pinesol, charmin, bounty	\$101.86
1275	Kockelman Construction	blading @ park	\$189.00
1276	Lyon-Lincoln Electric Coop	park electricity	<u>\$2,083.34</u>

			TOTAL	\$8,540.79
<u>UPB GENERAL ACCT:</u>				
20126-20128	semi-monthly payroll	09/18/2020 payroll		\$4,921.06
20129	Darrel Ellefson	per diem, mileage		\$405.97
20130	Darrel Ellefson	County Ditch work/mileage		\$1,451.27
20131	David Ludvigson	per diem, expenses		\$174.17
20132	Michael Frank	per diem, expenses		\$138.44
20133	David Craigmile	per diem, mileage		\$144.19
20134	John Cornell	per diem, mileage		\$633.75
3888	LQP-YB Liability	semi-monthly PERA		\$952.19
20135-20137	semi-monthly payroll	10/05/2020 payroll		4,921.07
20138-20142	monthly payroll	September park payroll		\$4,268.92
3889	VOID	VOID		\$-0-
3890	LQP-YB Liability	monthly & semi-monthly PERA		\$1,474.20
3891	U.S. Geological Survey	streamguage operation/maintenance		\$3,165.00
3892	Valley Office Products, Inc.	envelopes & labels		\$36.97
3893	Rinke-Noonan Attorney's @ Law	monthly retainer		\$200.00
3894	Ag Tech Drainage LLC	CD #54 Impr construction		\$138,407.83
3895	I & S Group, Inc.	August Engineering		\$18,623.36
3896	Jared Roiland	August mileage reimb		\$108.10
3897	Trudy Hastad	postage reimbursement		\$33.50
3898	LQP County Auditor/Treasurer	September postage		\$54.05
3899	Houston Engineering, Inc.	final engineer's amendment & rebidding		\$902.50
3900	LQP Coop Oil Company	gas for ROXOR		\$12.90
3901	LQP-YB Liability	Federal withholding		\$4,302.56
3902	LQP-YB Liability Acct.	quarterly state withholding		\$1,618.00
3903	LQP County Auditor/Treasurer	health insurance		\$4,335.00
3904	LQP-YB Liability Acct	quarter state withholding penalty		\$86.33
3905	Minnesota Revenue	September sales & use tax		<u>\$344.00</u>
			TOTAL	\$191,715.33
<u>Debit Card</u>				
			TOTAL:	\$-0-
<u>DITCH ACCT:</u>				
1372	Rinke Noonan Attorney's @ Law	WS #11		<u>\$2,395.50</u>
			TOTAL	\$2,395.50

M/S/P to approve the warrants.

Motion: John Cornell **S**econded: David Craigmile Roll call was taken and motion **P**assed: 5-0

Secretary's Report:

Meeting #607 minutes were mailed.

M/S/P to approve meeting minutes #607 as mailed.

Motion: Michael Frank **S**econded: John Cornell Roll call vote was taken & **P**assed: 5-0

Administrator Report/Old & New Business: Trudy Hastad gave the Administrator report.

- Area II requested cost-share for a private dam repair on David Halverson property in section 32, Stoney Run Township N, Yellow Medicine County. The area is just outside our watershed boundary and outside Yellow Medicine Watershed boundary. They are asking for \$3,000 cost-share. The Yellow Medicine River Watershed District denied the request as they could not use IWIP money (State dollars) for match and did not feel they could spend the levy money outside the district boundary. Discussion followed. Manager Craigmile felt this was a great project and felt the two districts should split the cost as was the responsible thing to do, since the land wasn't considered in either district.

M/S/P to authorize \$1500 cost-share (half requested) in the hopes Yellow Medicine Watershed District would consider the other half for the dam repair of David Halverson in Section 32, Stoney Run Township N, Yellow Medicine County.

Motioned: David Craigmile Seconded: John Cornell Roll call vote was taken & Passed: 5-0

- Hastad discussed setting the Advisory Board annual meeting date. Discussion followed with the date set for Wednesday, December 2, 2020
- Haven't heard anything back from the MVTV wireless folks on the tower at the park.
- Discussed the different committee's and responsibilities for the 1WIP. John Kolb would like to be considered to help with the MOU.
- Hastad reported receiving the CARES funding request from Lincoln & Lac qui Parle County, but has not heard back from Yellow Medecine County.
- Discussed purchasing a Microsoft surface combo/tablet for Jared to use in the field and at home. This would not qualify for cares funding as we cannot add to what was already submitted. Manager Ellefson thought this was a budgeted item. Hastad reported we do have money in the budget for office equipment, but was just getting manager input. No action was taken.
- Hastad reported that a judgment order was served to Derek Stoks for the overdue pasture lease. Discussion followed.

PERMITS- The following permit applications were applied for:

13238	Francis Brandenburger	Freeland, 19	seepage lines	10/06/20 DE
13239	Francis Brandenburger	Manfred, 13	seepage lines	10/06/20 DE
13240	Francis Brandenburger	Manfred, 24	seepage lines	10/06/20 DE
13241	Austen Citrowske	Freeland, 8	seepage, main tile	10/06/20 DE
13242	Michael Croatt	Madison, 33	clean ditch	10/06/20 DE
13243	Brian Croatt	Arena, 11	seepage lines, pump	10/06/20 DE
13244	Brian Croatt	Arena, 11	seepage, main tile, pump	10/06/20 DE
13245	MN DOT	Agassiz, 16	replace culvert	10/06/20 DE
13246	Tom Fernholz	Madison, 3	seepage lines	10/06/20 DE
13247	Terry Halvorson	Hamlin, 6	seepage lines, clean ditch	10/06/20 DE
13248	Robert Hoffman	Yellow Bank, 36	seepage lines	10/06/20 DE
13249	Dan Jibben	Perry, 36	seepage, main tile	10/06/20 DE
13250 Renew # 12022	Dan Jibben	Perry, 36	cleanout waterway	10/06/20 DE
13251 Renew #12020	Dan Jibben	Perry, 36	clean ditch	10/06/20 DE
13252 Renew #12872	Paul Lund	Lake Shore N, 34	seepage lines	10/06/20 DE
13253 Renew #12871	Paul Lund	Lake Shore N, 27	seepage lines	10/06/20 DE
13254	Letrud Farms, Inc.	Lake Shore N, 28	seepage lines	10/06/20 DE
13255 Renew #12909	Dean Martinson	Baxter, 30	seepage lines	10/06/20 DC
13256	Luke Oie	Perry, 25	seepage lines	10/06/20 DE
13257	Luke Oie	Lake Shore, 29	seepage lines	10/06/20 DE
13258	Luke Oie	Madison, 12	seepage lines	10/06/20 DE
13259	Mark Peterson	Providence, 7	seepage lines	10/06/20 DE
13260	Corey Ransom	Augusta, 21	seepage lines	10/06/20 DE
13261	James Robertson	Providence, 16	clean ditch	10/06/20 DE
13262	James Robertson	Providence, 15	clean ditch	10/06/20 DE
13263	Ray Schuelke	Agassiz, 31	replace culvert	10/06/20 DE
13264 Renew #12767	Andy Strei	Yellow Bank, 17	seepage & main tile	10/06/20 DE
13265	Steve Stamp	Mehurin, 16	add intake	10/06/20 DE
13266 renew #12922	Steve Stamp	Mehurin, 13	seepage & main tile	10/06/20 DE
13267 renew #12923	Steve Stamp	Mehurin, 14	seepage, main tile	10/06/20 DE
13268	Steve Stamp	Mehurin, 14	add intake & close ditch	10/06/20 DE
13269	Charles Shellenbarger	Camp Release, 25	seepage, main tile	10/06/20 DC
13270	Bruce Strand	Baxter, 36	seepage lines	10/06/20 DC
13271	Bruce Strand	Ten Mile Lake, 16	seepage lines	10/06/20 DC

13272 renew #12688 James Tasto	Augusta, 16	seepage lines	10/06/20 DE
13273 renew #12481 Warren Trygestad	Perry, 1	seepage lines	10/06/20 DE
13274 renew #12691 Warren Trygestad	Agassiz, 34	seepage, main tile	10/06/20 DE
13275 Richard Wold	Ten Mile Lake, 24	seepage lines	10/06/20 DC
13276 Richard Wold	Ten Mile Lake, 22	seepage lines	10/06/20 DC

Permits Denied: None

M/S/P to approve watershed permits:

Motion: David Craigmile

Secoded: Michael Frank

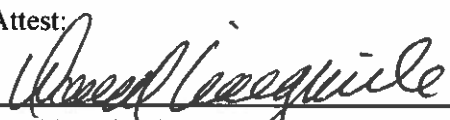
Roll call vote was taken and motion **P**assed: 5-0

Meeting adjourned at 6:36 p.m.



 Darrel Ellefson, LQP-YB Chairman

Attest:



 David Craigmile, LQP-YB Secretary

Minutes prepared by Hastad

The next regularly scheduled meeting of the Lac qui Parle-Yellow Bank Watershed District is Wednesday, November 4, 2020 at 4:30 p.m. *(Date change due to elections on Novmeber 3, 2020)*

STATE OF MINNESOTA
LAC QUI PARLE-YELLOW BANK WATERSHED DISTRICT BOARD OF MANAGERS
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR THE IMPROVEMENT OF LAC QUI PARLE COUNTY DITCH 42

The matter of the petition of Kruse and others for the improvement of Lac qui Parle County Ditch 42

SUPPLEMENTAL FINDINGS AND ORDER REVISING ENGINEER'S OPINION OF COST AND AUTHORIZING BIDDING

The Board of Managers of the Lac qui Parle-Yellow Bank Watershed District (LQPYBWD), sitting as Drainage Authority for Petition for Improvement of Lac qui Parle (LQP) County Ditch 42 (CD 42) met at 4:30 p.m. on Tuesday, October 6, 2020, to consider an engineer report addendum in the above matter revising and updating the engineer's opinion of cost for the proposed project and setting forth a revised bidding and construction schedule. Having considered the engineer's report addendum and the proceedings herein, Manager mf moved, seconded by Manager JC, for adoption of the following:

Findings:

1. On August 4, 2020, the Drainage Authority adopted a Final Order establishing the improvement of CD 42.
2. In the time between the filing of the detailed survey report (a.k.a. final engineer's report) in the proceedings and the adoption of the final order, the engineer has discovered several increases in the cost of materials and other work related to the project. These changes were significant enough to compel the engineer to file a report addendum setting forth updated opinions of probable cost related to the project.
3. The Board finds these updates inconsequential to the establishment of the project herein. However, the Board finds that it must supplement its final order to provide clarity in the drainage system record.
4. Paragraphs 50-54 of the final order contained cost and cost-benefit determinations based on the final engineer's report. The paragraphs shall be amended as detailed in the order below.

Order:

- A. The Lac Qui Parle Yellow Bank Watershed District Board of Managers, Drainage Authority for the improvement of Lac Qui Parle County Ditch 42, supplements its final order in the above proceedings by replacing paragraphs 48-54 of the final order with the following:

50. The engineer's estimate of the cost of construction of the 3/8" drainage coefficient improvement option is \$827,500.00.

51. The engineer's estimate of the portion of the cost of improvement attributable to separable maintenance is \$613,000.00.

52. The separable maintenance cost is less than the current total benefits on CD 42 based on the most recent redetermined benefits. Therefore, separable maintenance may be applied to this project because the separable maintenance cost is less than the redetermined benefits of the system.

53. Subtracting separable maintenance costs (\$613,000.00) from the engineer's estimated cost of improvement (\$827,500.00) yields a total improvement cost of \$214,500.00.

54. The total improvement benefits (\$219,496.72 - \$3,052.80 = \$216,443.92.) exceed the net improvement cost (\$214,500.00).

B. Further, the Board directs the engineer to advertise for bids as recommended in the report addendum.

C. All other elements of the Final Order in these proceedings, adopted on August 4, 2020, remain unchanged.

After discussion, the Board President called the question. The question was on the adoption of the foregoing findings and order and there were __ yeas and __ nays as follows:

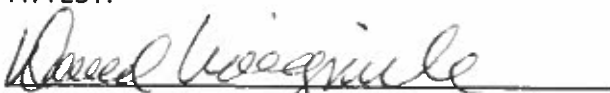
	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Cornell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Craigmile	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ellefson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ludvigson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution adopted.


Darrel Ellefson, Board President

Dated: October 6, 2020

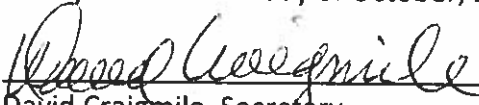
ATTEST:


David Craigmile, Secretary

* * * * *

I, David Craigmile, Secretary of the Lac Qui Parle Yellow Bank Watershed District, do hereby certify that I have compared the above Findings and Order with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 6th day of October, 2020.


David Craigmile, Secretary