

Lac qui Parle-Yellow Bank Watershed District

Regular Meeting Minutes #607

September 9, 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, Drainage Manager Jared Roiland and Park Manager Ron Fjerkenstad. Coordinator Mitch Enderson was absent. **Others present via zoom:** Attorney John Kolb, Chris Otterness & Joe Lewis with Houston Engineering, Chad Engels with Moore Engineering, Julie Foote & Tim John from MVTV Wireless.

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

Seconded: John Cornell

Roll call vote was taken & motion **Passed:** 5-0

Chairman Darrel Ellefson reconvened the August 4, 2020 final hearing on the petition of Caroline Kessen Revocable Living Trust to modify a prior order of the LQP-YB Watershed Ditch #11 to realign and relocate a portion of Watershed Ditch #11.

Attorney Kolb reported the meeting was reconvened in order to give sufficient time to draft findings and an order. Discussion followed. The Lac qui Parle Yellow Bank Watershed District Board of Managers, Drainage Authority for WS #11, reviewed the following order: The LQP-YB Watershed District Board of Managers, Drainage Authority for WS #11 hereby modifies its 2002 order and authorizes future maintenance of the drainage system modifications to be performed by the drainage authority at the expense of the drainage system. This order is contingent on the petitioner's payment of all costs in the proceedings. Further, the Board directs the drainage system record to reflect the configuration of the drainage system modification. (Findings and Order attached).

M/S/P to adopt the findings and order prepared by Attorney Kolb to modify the 2002 order and authorizes future maintenance of the WS #11 drainage system modifications to be performed by the drainage authority at the expense of the drainage system.

Motion: David Craigmile

Seconded: Michael Frank

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

Staff Reports:

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

- The porta potties will be removed at the beach on October 1, 2020. They have helped during the COVID-19 restrictions.
- The weekends continue to be full.
- It ended up being a very busy season and people are putting in requests for seasonal spots for 2021.
- The park will officially shut-down on October 5, 2020.
- Discussed the time-frame for seasonal workers. Hastad will check and get the information back to Ron.
- A tree service is going to come in for a half day to take down some tree's and do some trimming.

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

- We continue to inspect the progress on the improvement of CD #54 and take pictures of the progress.
- Mitch & I took the ROXOR out for its "Maiden Voyage" to the CD #54 improvement site. The ROXOR ran well and will be a great addition.
- Darrel and I were out and investigated two crossings on CD #9. One needs some fill and the other a new culvert.
- On August 13th & 20th I listened in on a Webinar on Ag drainage in which they discussed drainage practices and projects and how to potentially incorporate BMPs to benefit the drainage system as well as improve water quality.

- I have taken and passed the Core, Aquatic, Row Crop, and Rights of Way pesticide applicator licenses and should be receiving my certificate soon.
- I have been reviewing a potential amendment to the Watershed Buffer Ordinance to mimic Lac qui Parle County's policy.
- Trudy & I have been reviewing the preliminary ROB worksheets from H2Overviewers for twelve County systems.

At 5:00 p.m. Engineer Chris Otterness with Houston Engineering reported on the County Ditch #42 Improvement Project bid held on September 3, 2020 at 2:00 p.m. They had five packets picked up with only one bidder submitting a bid. The Bid was from Gladden Construction in the amount of \$716,125.00. This bid came in 47% higher than the Engineers estimate of \$586,000. Discussion followed. Engineer Chris Otterness said he reached out to the other bid packet holders and inquired why they didn't bid. The feedback was that the time-frame was challenging to meet, they had their fall work projects already lined up, and cost of pipe had increased 5-10% because of demand for pipe and some contractors already had a backlog on pipe. Discussion followed. Attorney Kolb reviewed MN Statute 103E.511 with the managers. Manager Ludvigson said he had talked to the three petitioners and they were fine with holding off and re-bidding the project for spring. He also reported that the cheapest time to buy material is usually in the winter. Attorney Kolb said an option for the Board would be to reject the bid (being in excess of 30% Engineers report) and set up new bid on a new timeline. Engineer Chris Otterness said they could modify the bid package with a new timeline of construction to start next spring through summer. Engineer Joe Lewis felt we would probably get more bidders on that timeline.

M/S/P to reject the bid of Gladden Construction for the Improvement of County Ditch #42 being over 30% engineers estimate, and rebid the project in a few weeks with a new timeline of construction in spring of 2021.

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

COORDINATOR: Coordinator Mitch Enderson was absent and e-mailed his report to the Board of Managers.

- Photo contest fliers were put in the papers, an announcement on the radio, and in the four signs installed recently at the parks. Two people have already submitted photos.
- The final report & budget for WRAPS has been approved and the final retainage invoice was approved.
- We were officially approved for the 1W1P planning grant. There will be a kickoff meeting hosted by BWSR to go over expectations, the process, and lay a path for getting started. The local group will need to develop and have a workplan approved before beginning planning.
- I have spent a little time getting a few things cleared up for LQP County GIS work, as well as answering a few outstanding requests/questions waiting for response. It's still a little unclear just exactly how much devotion I will need to give towards this besides responding to requests. I'd say it will be up to the County if they are content with what is current or how much they want to advance things.
- I have added most of the profiles that I didn't have for the original ditch GIS centerline layer but we found later.
- Thirteen applications have been approved and ten disbursements requested, leaving a balance of \$102,909.73. One additional application is pending.
- We are still waiting on a response from the CORPS for the Del Clark/Canby Creek project.
- I have updated the contacts for the emergency Action Plan for the dams. I didn't get a reply for the City of Canby maintenance contacts, but once I find that out I can distribute updates for signatures so it can be posted in the appropriate places. I believe we still need to install the warning post that corresponds with the warning levels in the plan.

WCA – Coordinator Mitch Enderson:

- Will be meeting with the TEP panel next Thursday for a review of Kane Radel's findings and delineations for the Yellow Bank 15 restoration on expiring CRP.
- Contacted by a landowner about a cleanout through a branch of CD #5 that has been too wet through wetland to survey previously. No evidence of the ditch branch when out on site other than culvert where branch begins. Attorney Kolb has advised the site probably needs an engineer to establish ditch bottom and do wetland delineations to determine what mitigation would be required.
- The Walter 36 road ditch cleared up. The Township can only remove vegetation within the wetland.

At 5:30 p.m. Chairman Ellefson tabled the monthly meeting in order to hold the public hearing via zoom for the 2020 budget & levy.

At 5:31 p.m. Chairman Ellefson opened the public hearing for the 2021 budget & levy.

Present at the hearing were: Managers Darrel Ellefson, David Craigmile, John Cornell, Michael Frank, with manager Ludvigson joining via Zoom. Others present were Administrator Trudy Hastad.

Hastad read the notice as was published for two weeks in the Western Guard, Dawson Sentinel, Canby News, & Hendricks Pioneer. Hastad reviewed the proposed 2020 budget and levy request of \$290,000, of this \$250,000 will be levied pursuant to Minnesota Statutes 103D.905 Sub (3); and \$40,000 pursuant to Minnesota Statute 103D.905 Subd 9 (1).

Chairman Ellefson asked for discussion and for any public comments. Hastad reported an insurance increase of 9% for the group for 2021. The county would split this cost 50/50 with their employees. Chairman Ellefson called for further comments. There being none, Chairman Ellefson called for a motion.

M/S/P to approve the proposed 2021 budget (attached) & levy request of \$290,000.

Motion: David Craigmile **Seconded:** John Cornell Upon roll call vote motion **Passed:** 5-0

At 5:45 Chairman Ellefson reconvened the regular Watershed meeting.

OTHERS PRESENT: Julie Foote & Tim John from MVTV Wireless met with the Board to inquire about leasing land from the Watershed to put in a tower. They are looking for an area in the Canby Community to build a structure. They thought the area next to the house or the meadow to the South of the house in section 9, Norman Township would be an ideal spot. Manager Craigmile asked how much land it would take. Tim John replied it would depend if it would need fencing but usually about a 40X40 or 60X60' space. It depends on what type of tower they put in and that depends on soils. The height is typically 120-180' if a lattice type tower. Discussion followed. Manager Craigmile asked the time frame they were looking at for the lease. Tim John reported they usually do a 20-year land lease with automatic five-year renewal. Discussion followed.

M/S/P to allow MVTV Wireless to lease land from the Watershed to put up a structure/tower with a lease of \$100/month.

Motion: Michael Frank **Seconded:** David Craigmile Discussion:

David Ludvigson suggested that MVTV Wireless do the feasibility study and report back to the Watershed Board in October with the proposal and indicate exact spot where the structure would be installed.

Tim John agreed it would be best to do the study to explore the soils and height needed for the tower and will come back with the assessment in October.

M/S/P to amend the motion to allow MVTV Wireless to do a feasibility study for a tower on Watershed owned land in Section 9 Norman Township, report back to the Board in October, and if feasible lease to MVTV Wireless for \$100/month.

Amended Motion: Michael Frank **Seconded:** David Craigmile Roll call vote taken & motion **Passed:** 5-0

Julie Frank thanked the Board for their trust in MVTV Wireless and left her personnel cell number for any questions as she will be the liaison person for the project.

Treasurers Report: Manager Ludvigson read the Treasurer's report.

M/S/P to approve the Treasurers report.

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

M/S/P to transfer \$270,000 from First Security Deposit account to United Prairie Bank general account.

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

M/S/P to allow Administrator Hastad to return the cashiers checks to the CD #42 Improvement petitioners as soon as legally possible.

Motion: David Ludvigson Seconded: John Cornell Roll call vote was taken & motion Passed: 5-0

The following warrants were presented for approval:

Number Vendor Details 08/05/2020 to 09/09/2020

General Klein Account:

6143	Scott Albertson/Wollschlager Excavating	SSTS Loan	\$13,395.00
6144	Chad & Amanda Bartunek/Monnens Exc	SSTS Loan	\$13,500.00
6145	Chad & Amanda Bartunek/ Greg Thole Electric	SSTS Loan	\$1,394.57
6146	Justin Plageman/Wollschlager	SSTS Loan	\$12,989.00
6147	Eric Vatthauer/Jeff Johnson Excavating	SSTS Loan	\$15,630.00
6148	Verla Vane/Monnens Excavating	SSTS Loan	<u>\$13,500.00</u>
		TOTAL	\$70,408.57

UPB Park Expense Account:

1255	Canby True Value	July & August cleaning supplies, toilet paper	\$123.15
1256	Doug's Service & Marine	Husqvarna, fuel pump & repair, wheel seal	\$884.50
1257	Ag Plus Cooperative	246 gallons unleaded, gas	\$612.61
1258	Frontier Communications	park phone, fax, internet	\$287.96
1259	Olson Sanitation	August trash expense	\$518.30
1260	Sturdevant's Auto Parts	parts	\$65.56
1261	Lincoln Pipestone Rural Water	August water	\$160.74
1262	Running's Supply	bleach	\$7.02
1263	Lyon-Lincoln Electric Cooperative	August park electricity	\$3,286.07
1264	Olson Signs by Design	signs – 5 mph, 10 mph, spigot unsafe	\$175.00
1265	Laleman's Septic & Drain Cleaning	porta-potty service 8-6-20 to 9-6-20	<u>\$240.00</u>
		TOTAL	\$6,360.91

UPB GENERAL ACCT:

20110-20112	semi-monthly payroll	Aug 1-15, 2020 payroll	\$4,921.05
20113	David Ludvigson	per diem, expense	\$663.46
20114	David Craigmile	per diem, mileage, expense	\$656.00
20115	Michael Frank	per diem, mileage	\$138.44
20116	Darrel Ellefson	per diem, mileage, expense	\$664.04
20117	Darrel Ellefson	ditch & mileage reimb	\$1,219.02
3865	LQP-YB Liability Acct	Semi-monthly PERA	\$952.19
20118-20120	semi-monthly payroll	August 16-31, 2020 payroll	\$4,921.06
20121-20125	park payroll	August park payroll	\$3,892.49
3866	LQP-YB Liability Account	monthly & semi-monthly PERA	\$1,415.57
3867	Minnesota Revenue	sales & use tax	\$284.00
3868	I & S Group	CD #54 Improvement site engineering overview	\$21,652.53
3869	Rinke Noonan Attorney @ Law	monthly retainer, CD #42 hearing, findings, order	\$2,412.50
3870	Houston Engineering, Inc.	CD #42 construction plans & specifications	\$631.00
3871	Clifton Larson Allen, LLC	final billing 2019 audit	\$3,150.00
3872	Ag Tech Drainage LLC	partial pay CD #54 improvement	\$115,454.64
3873	Donn Streich	return of cashier's check CD #42 Imp	\$10,000.00
3874	Donovan Wildung	return of cashier's check CD #42 Imp	\$15,000.00
3875	Cletus Kruse	return of cashier's check CD #42 Imp	\$10,000.00
3876	Dan Aakre	tree snag, Section 17, Garfield	\$2,460.00
3877	NelsonOyenTorvik	Stoks judgement, & private ditch dispute	\$1,717.00
3878	Canby News, Inc	photo contest ad, 2- week budget hearing	\$151.88
3879	LQP County Auditor/Treasurer	August postage	\$29.80
3880	Western Guard	buffer ordinance amendment; CD#42 ad, budget ad	\$655.89
3881	Valley Office Products, Inc.	business card paper	\$25.98
3882	Mike Monnet	four nuisance beaver	\$80.00
3883	Lac qui Parle Coop Oil Co.	August diesel for ROXOR	\$19.31
3884	Dawson Sentinel	buffer amendment, CD #42 ad, photo contest ad, budget ad	\$599.59
3885	Buffalo Ridge Newspapers	photo contest ad	\$50.63
3886	LQP-YB Liability Acct.	Federal withholding	\$4,472.06
3887	LQP County Auditor/Treasurer	Health insurance	<u>\$4,335.00</u>
		TOTALS:	\$212,625.13

Debit Card

DC	Dirt Legal	cover & running boards for ROXOR	\$198.00
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DC	Department of Ag	testing fee for spraying – Jared	\$10.22
		TOTAL:	\$208.22

DITCH ACCT:

1371	Heinrich Excavating & Hauling	WS #92 \$1746.78 & Lat A WS #1 \$850	\$2,596.78
1372	Rinke Noonan Attorney's	WS Ditch #11 findings & order	\$2,395.50
		TOTAL	\$4992.28

M/S/P to approve the warrants.

Motion: David Ludvigson Secoded: Michael Frank Roll call was taken and motion Passed:5-0

Secretary's Report:

Meeting #606 minutes were mailed.

M/S/P to approve meeting minutes #606 as mailed.

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

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

- COVID-19 pandemic updates. Discussed submitting receipts for possible funding through CARES. Would submit to all three Counties for the percentage from each.
- Discussed the CD #54 improvement project status and rest of funding. Hastad will visit with LQP Coordinator Sieg to update on starting the bonding for this project.
- Reviewed the 2019 audit report as presented by CliftonAllenLarson. Hastad will send to BWSR.
- Discussed who was to line up the spraying for the bull thistle for fall application. Manager Ludvigson will follow up on this.
- Cindy Potz called to see about possible funding to help with private dam repair in section 8, Fortier Township. Hastad had her call AREA II to have their engineers investigate.
- Discussed purchase of spraying equipment and chemical for use with the ROXOR for spot spraying of ditches.

PERMITS - The following permit applications were applied for

13187	DeRon Brehmer	Yellow Bank, 27	clean ditch, ditch crossing	09/09/20 DE
13188	DeRon Brehmer	Perry, 21	seepage & main tile	09/09/20 DE
13189	DeRon Brehmer	Perry, 21	clean ditch	09/09/20 DE
13190	Deron Brehmer	Walter, 11	clean ditch	09/09/20 DE
13191	Aaron Roggenbuck	Walter, 10	seepage, main tile	09/09/20 DE
13192	Letrud Farms, Inc.	Lake Shore N, 33	seepage lines	09/09/20 DE
13193	Letrud Farms, Inc.	Lake Shore N, 28	seepage lines	09/09/20 DE
13194	Letrud Farms, Inc.	Lake Shore N, 29	seepage lines	09/09/20 DE
13195	Letrud Farms, Inc.	Lake Shore N, 33	seepage lines	09/09/20 DE
13196	Lund Family Farms LLP	Lake Shore N, 34	seepage lines	09/09/20 DE
13197	Eric Lund	Lake Shore N, 35	seepage lines	09/09/20 DE
13198	Eric Lund	Lake Shore N, 26	seepage lines	09/09/20 DE
13199	Jason Lund	Lake Shore N, 34	seepage lines	09/09/20 DE
13200	Jason Lund	Lake Shore N, 33	main tile	09/09/20 DE
13201	Jason Lund	Lake Shore, 20	seepage lines	09/09/20 DE
13202	City of Dawson	Riverside, 21	replace City storm sewer lines	09/09/20 DE
13203 renew #12873	David Ludvigson	Garfield, 2	seepage & main tile w/pump	09/09/20 DE
13204	David Ludvigson	Garfield, 1	main tile	09/09/20 DE
13205	Joe Radermacher	Perry, 7	seepage lines	09/09/20 DE
13206 renew #12267	Glenn Radermacher	Walter, 13	seepage, main tile	09/09/20 DE
13207	Walter Township	Walter, 36	clean road ditch	09/09/20 DE
13208	Tom Graham	Yellow Bank, 12	seepage lines	09/09/20 DE
13209	Peter Haugen	Garfield, 11	seepage, main tile	09/09/20 DE
13210	Jim Call	Arena, 21	clean ditch	09/09/20 DE
13211	Brian Croatt	Arena, 14	seepage, main tile w/pump	09/09/20 DE
13212	Brian Croatt	Baxter, 3	seepage lines	09/09/20 DE
13213	MN DOT	Agassiz, 16	replace culvert	09/09/20 DE
13214 renew #12838	Steve Stamp	Mehurin, 13	seepage lines	09/09/20 DE

13215	renew #12839	Steve Stamp	Mehurin, 13	seepage, main tile	09/09/20 DE
13216		Austen Citrowske	Hammer, 16	seepage lines	09/09/20 MF
13217		Josh Peterson	Norman, 5	seepage lines	09/09/20 MF
13218		Tyson Weber	Hammer, 18	seepage lines	09/09/20 MF
13219		Kevin Doom	Norman, 18	seepage, main tile	09/09/20 MF
13220		Kevin Doom	Norman, 20	seepage, main tile	09/09/20 MF
13221		Kevin Doom	Norman, 16	seepage lines	09/09/20 MF
13222	renew #12352	Byron Verhelst	Norman, 28	main tile	09/09/20 JC
13223		Keith Rehn	Norman, 28	main tile	09/09/20 JC
13224		James Wiesen	Hansonville, 9	main tile	09/09/20 JC
13225		James Ross	Hendricks, 10	clean ditch	09/09/20 JC
13226		Robert Olson	Riverside, 27	main tile	09/09/20 DC
13227		Mark Roisen	LQP, 18-19-20	seepage lines	09/09/20 DC
13228		Dean Martinson	Baxter, 28	seepage lines	09/09/20 DC
13229		Schutte Family Farms	Riverside, 35	seepage, main tile	09/09/20 DE
13230		Dan Jibben	Augusta, 27	clean ditch	09/09/20 DL
13231		Nathan Ufkin	Manfred, 16	clean ditch	09/09/20 DL
13232	renew #12597	Tony Ludvigson	Freeland, 14	seepage lines	09/09/20 DL
13233		Paul Kemen	Freeland, 11	seepage lines	09/09/20 DL
13234	renew #12836	Gerald Streich	Mehurin, 11	seepage, main tile	09/09/20 DL
13235		Michael Croatt	Madison, 33	clean ditch	09/09/20 DL
13236		Robert Lideen	Garfield, 36	seepage lines	09/09/20 DL

Permits Denied: Schutte Brothers pending WCA approval, Brian Croatt, Cliff Hanson for WCA approval, Nathan Ufkin for WCA approval.


M/S/P to approve watershed permits except those denied:

Motion: David Craigmile

Seconded: John Cornell

Roll call vote was taken and motion Passed: 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 Tuesday, October 6, 2020 at 4:30 p.m.

STATE OF MINNESOTA
LAC QUI PARLE-YELLOW BANK WATERSHED DISTRICT BOARD OF MANAGERS
SEATED AS DRAINAGE AUTHORITY UNDER STATUTES CHAPTER 103E
FOR LAC QUI PARLE-YELLOW BANK WATERSHED DITCH 11

The matter of the petition of the Caroline E. Kessen Revocable Living Trust to modify a prior order of the Lac Qui Parle-Yellow Bank Watershed District related to Lac Qui Parle-Yellow Bank Watershed Ditch 11

**FINDINGS AND FINAL ORDER
AUTHORIZING FUTURE
MAINTENANCE OF DRAIANGE
SYSTEM MODIFICATIONS**

The Board of Managers of the Lac qui Parle-Yellow Bank Watershed District (LQPYBWD), sitting as Drainage Authority for Lac Qui Parle-Yellow Bank Watershed Ditch 11 (WD 11) met at 4:30 p.m. on Tuesday, August 4, 2020, for the Final Hearing on the petition of Caroline E. Kessen Revocable Living Trust to modify a prior order of the Lac Qui Parle-Yellow Bank Watershed District related to WD 11. The hearing was held according to Minnesota Statutes, section 103E.227. Due to the COVID 19 pandemic and the emergency declaration and associated executive orders of the Governor of the State of Minnesota, the final hearing was held by alternative means with both in-person and remote participants. The hearing was continued to the Board's regular meeting on September 9, 2020, for the purpose considering findings and an order in the proceedings. Having considered the engineer's report, staff recommendations and the comments and testimony received at hearing, Manager Craig Mile moved, seconded by Manager Frank, for adoption of the following:

Findings:

1. In 2002, the Board authorized modification and partial abandonment of a portion of WD 11 in section 29, Township 112N, Range 46W, in Lincoln County.
2. The action involved Branch No. 2 of WD 11.
3. The Order allowed modification of the channel, approximately 3,500 feet in length, connecting Branch No. 2 to Branch No. 4 along the South line of Section 29.
4. The original 2002 Order states "that all costs of future maintenance and repair with respect to the relocated portion of the Ditch...shall be paid by the Petitioners and their successors...".
5. The 2019 petition seeks to modify the original 2002 Order to allow future maintenance of the ditch to be performed as a drainage system expense.

6. In October, 2019, the Board received a petition from Caroline E. Kessen, Trustee of the Caroline E. Kessen Revocable Living Trust to modify the 2002 Order
7. The original petition was made under statutes sections 103E.227 (2001; Impounding and diversion of drainage system waters) and 103E.805 (2001; Removal of property from and partial abandonment of a drainage system).¹
8. The 103E.227 process allowed the realignment of WD 11 to its current location. The 103E.805 process abandoned and vacated the former alignment of WD 11.
9. Though the realigned portion of WD 11 technically remains as part of WD 11, the order authorizing the realignment provided that future costs of maintenance and all maintenance obligations would remain with Kessen.² This action was consistent with the provisions of section 103E.227, subd. 5 (2001) which then provided “The order of the drainage authority modifying the drainage system must provide that construction and later maintenance and repairs of the drainage system modification and installation must be done by the petitioner without assessment of the cost to the property owners previously within the drainage system.”
10. The language of section 103E.227 in 2002 limited the Board’s options regarding future maintenance of the realigned portion of ditch even though the Board found that the realignment “is necessary and will benefit and be useful to the public and the property owners on the Ditch.”³
11. Current section 103E.227 (2018) provides that the drainage authority may determine whether future maintenance can be performed by the drainage authority at the expense of the drainage system.
12. Upon receipt of the petition and bond, the Board appointed engineer Chad Engels, P.E., Moore Engineering, to investigate the condition of the modified portion of the drainage system. Additionally, the Board directed its drainage inspector to make contact with the landowner, neighboring property owners and the local township.
13. The engineer filed a report dated May 27, 2020, updated June 25, 2020. The engineer reported that the modified portion of WD 11 has been constructed in a manner consistent with the remainder of WD 11 and is functioning in a manner similar to the remainder of the drainage system. The engineer concluded that the modified portion of WD 11 is providing beneficial drainage to properties on the drainage system in a manner

¹ In 2010 the partial abandonment and removal of property components of 103E.805 (2001) were separated and now exist in sections 103E.805 and .806.

² See ¶4, p. 3 of the 2002 Order.

³ See findings ¶5, p. 2 of the 2002 Order.

consistent with the original construction of WD 11. The engineer's report, as updated, is attached hereto as Exhibit A.

- 14. The proposed amendment to the 2002 order is in the best interest of the WD 11 drainage system.
- 15. The proposed amendment to the 2002 order will further the public health benefits created by the original ditch establishment and will improve the public health by reducing flood and other deleterious conditions within the drainage area of the project.
- 16. Based on the foregoing findings, the Board enters the following:

Order:

- A. The Lac Qui Parle Yellow Bank Watershed District Board of Managers, Drainage Authority for WD 11, hereby modifies its 2002 order and authorizes future maintenance of the drainage system modifications to be performed by the drainage authority at the expense of the drainage system.
- B. This order is contingent on the petitioner's payment of all costs in the proceedings.
- C. Further, the Board directs the drainage system record to reflect the configuration of the drainage system modification.

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: September 9, 2020

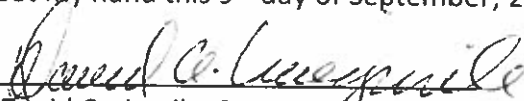
ATTEST:

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 9th day of September, 2020.


David Craigmile, Secretary

2021 PROPOSED BUDGET

	A	B	C	D	E	F
1		General Fund	Park Fund	Ditch Fund	12/31/2019	7/29/2020
2	REVENUES:					
3	Buffer Income	\$ 5,429.00			\$ 3,080.50	\$ 1,155.50
4	Global Winds Harvest(Avangrid Inc)	\$ 1,500.00			\$ 2,506.60	\$ 1,503.96
5	Park Income		\$ 99,000.00		\$ 98,217.75	\$ 86,444.40
6	Interest from checking	\$ 200.00	\$ 510.00	\$ 45.00	\$ 2,033.71	\$ 702.06
7	Interest from CD	\$ 6,500.00			\$ 7,013.25	\$ 3,476.54
8	Land Rent		\$ 47,003.91		\$ 12,973.48	\$ 50,003.91
9	Dividend Income:	\$ 2,000.00			\$ 2,175.00	\$ -
10	Miscellaneous Income	\$ 400.00			\$ 401.19	\$ -
11	County Ditch/Buffer work reimb.	\$ 92,000.00			\$ 91,034.32	\$ -
12	Other reimb.	\$ 1,000.00			\$ 1,265.00	\$ 10,100.00
13	PERA rate Increase aid	\$ 132.00			\$ 132.00	\$ -
14	State of MN HSTD & Ag Credit	\$ 6,000.00			\$ 12,510.91	\$ -
15	PILT Income	\$ 2,500.00			\$ 3,477.78	\$ 2,760.82
16	TOTALS:	\$ 117,661.00	\$ 146,513.91	\$ 45.00	\$ 236,821.49	\$ 156,147.19
17						
18	GRANTS:					
19	WCA (NRBG Block Grant 60/40)	\$ 5,266.80			\$ 5,266.80	\$ 5,266.80
20	Canby Creek Protection Grant (4/19-12/21)	\$ 150,000.00			\$ 150,000.00	\$ -
21	LOANS:					
22	SSTS (State Loan Program) \$500,000	\$ 150,000.00			\$ 193,253.43	\$ 43,129.29
23						
24	EXPENDITURES:					
25	Fiscal Management & Admn:					
26	Employee/Manager Wages	\$ 195,500.00	\$ 69,000.00		\$ 254,739.91	\$ 134,854.41
27	Medicare Company (1.45% + .9%=2.35%)	\$ 4,594.00	\$ 1,622.00		\$ 3,545.09	\$ 1,883.14
28	Social Security Company (6.2%)	\$ 12,121.00	\$ 4,278.00		\$ 15,158.31	\$ 8,052.03
29	Health Insurance	\$ 45,000.00			\$ 43,443.00	\$ 22,621.50
30	HAS/VEBA Company	\$ 8,900.00			\$ 7,200.00	\$ 4,848.00
31	PERA Match (7.5%)	\$ 12,487.00	\$ 3,456.00		\$ 15,277.12	\$ 8,749.97
32	ACH Expense	\$ 60.00			\$ 57.50	\$ 32.50
33	Advertising Expense	\$ 700.00	\$ 100.00		\$ 344.88	\$ 800.39
34	Real Estate/Sales & Use Tax	\$ 12,500.00			\$ 12,121.82	\$ 10,802.25
35	Dues (MAWD \$7,232)	\$ 7,500.00			\$ 6,964.00	\$ 7,524.00
36	Insurance Expense	\$ 8,000.00			\$ 6,639.00	\$ 7,872.00
37	Lodging & meal expense	\$ 2,500.00			\$ 3,046.37	\$ 27.13
38	mileage expense	\$ 4,500.00			\$ 9,155.07	\$ 3,429.10
39	registration expense	\$ 3,000.00			\$ 4,830.00	\$ 305.00
40	legal services	\$ 7,000.00			\$ 6,224.00	\$ 13,521.50
41	Auditing services	\$ 6,500.00			\$ 6,465.00	\$ 3,675.00
42	Postage	\$ 800.00			\$ 698.11	\$ 683.00
43	OFFICE & PARK EXPENSE'S:					
44	Office supplies	\$ 1,000.00			\$ 392.26	\$ 1,265.74
45	Computer/Program Expense	\$ 4,500.00	\$ 750.00		\$ 4,524.83	\$ 2,547.60
46	Telephone Expense	\$ 1,000.00	\$ 3,000.00		\$ 4,309.78	\$ 2,028.46

2021 PROPOSED BUDGET

	A	B	C	D	E	F
47	Lodging expense	\$ 2,500.00			\$ 2,807.41	\$ -
48	Park trash expense		\$ 2,500.00		\$ 2,146.69	\$ 949.99
49	Park Expense		\$ 34,000.00		\$ 33,142.95	\$ 22,717.11
50	Part Utilities		\$ 19,000.00		\$ 19,529.60	\$ 8,347.51
51	Ditch repair expense			\$ 7,000.00	\$ 5,869.13	\$ 9,750.00
52	TOTALS:	\$ 340,662.00	\$ 137,706.00	\$ 7,000.00	\$ 468,631.83	\$ 277,287.33
53						
54	PROJECT/REPAIR EXPENSE:					
55	Dam Repair/Project expense	\$ 18,666.40				
56	Beaver Expense	\$ 5,000.00		\$ 5,000.00	\$ 2,664.25	\$ 4,078.15
57	Tree Snagging Expense	\$ 5,000.00		\$ 5,000.00	\$ 1,128.00	\$ -
58	WCA Expense	\$ 5,733.60		\$ 5,733.60	\$ 1,784.51	\$ 136.92
59	USGS Stream Guage Expense	\$ 3,100.00		\$ 3,100.00	\$ 3,103.00	\$ -
60	Pictometry Expense	\$ 2,500.00		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
61	TOTALS	\$ 40,000.00		\$ 40,000.00	\$ 11,179.76	\$ 6,715.07
62						
63	Revenue Total:	\$117,661.00	\$146,513.91	\$45.00		
64	Expense Total:	(\$340,662.00)	(\$137,706.00)	(\$7,000.00)		
65	Project Total:	(\$40,000)				
66	TOTALS:	(\$263,001.00)	\$8,807.91	(\$6,955.00)		
67						
68	PROPOSED 2021 LEVY	\$290,000.00				
69	Total expenses:	(\$263,001.00)				
70	TOTAL BALANCE	\$26,999.00	\$8,807.91	\$0.00		
71						
72					\$ 332,767.73	\$ 187,376.63
73	Lac qui Parle Share 73.1055%	\$212,005.95			\$ 51,993.34	\$ 29,138.91
74	Yellow Medicine 18.6470%	\$54,076.30			\$ 59,345.06	\$ 14,255.65
75	Lincoln 8.2475%	\$23,917.75			\$ 444,106.13	\$ 230,771.19
76	TOTALS:	\$290,000.00				