# Lac qui Parle-Yellow Bank Watershed District Board Minutes #614 April 6, 2021

#### Call to Order

The meeting was held in the Lac qui Parle Commissioners' Room in the Courthouse, 600 W 6<sup>th</sup> St, Madison, MN 56256, with a virtual ZOOM login 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, and Publicity Manager Michael Frank. Managers present via ZOOM: Treasurer David Ludvigson. Managers absent: none. Staff present: Aministrator Trudy Hastad, Coordinator Mitch Enderson, Drainage Manager Jared Roiland, and Park Manager Ron Fjerkenstad. Others present via zoom: John Kolb, Rinke Noonan, LQP County Commissioner Stacy Tufto, Houston Engineer Joe Lewis, & Curt & Mary Melby. In person: Jon Theisen, Francis Brandenburger.

# Approval of the Agenda

Chairman Ellefson asked for additions to the agenda. There were six permits added to the agenda since meeting packets were mailed. David Craigmile motioned to approve the agenda with added permits, seconded by John Cornell. Upon vote, the motion passed 5-0.

John Kolb met with the Board to review preliminary findings and order for the unpermitted obstruction of an artificial/constructed drainage way in section 27, Yellow Bank Township, Lac qui Parle County, Minnesota. The time frame to remove the obstruction or install a twenty-four inch diameter culvert in the crossing was 90 days. Discussion followed with the managers wanting a shorter time frame. It was decided to give the landowner until May 21, 2021 to get the structure removed or install a twenty-four inch diameter culvert in the unpermitted crossing. (See attached findings and order (Exhibit A). Manager Craigmile motioned to approve the preliminary findings and order, seconded by Michael Frank. Upon vote, motion passed 5-0.

# **Staff Reports:**

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

- Discussed storm shelter needs at the park. The park has 69 trailer campsites and four primitive campsites with approximately 3 ½ people per site so the current storm shelter would be very crowded. Ron has been researching a possible modular storm shelter, like a Connex in a side hill with vents. No action was taken.
- Crew will be starting seasonal work mid-April to get things ready for the park opener on May 1, 2021.

# **COORDINATOR:** Mitch Enderson reported on monthly activities:

- The 1W1P workplan was entered into eLink and approved. The grant has been executed so allowable expenses can be charged to the grant. A consultant request for qualifications was sent out on March 24th with a deadline of May 7th, 2021 for consultants to respond.
- Responded to multiple data requests for the LQP County GIS. We received more corner survey points from our surveryor so I worked with Mark Volz to get status update maps of the monument project.
- Waiting for contractor to start construction on the Del Clark/Canby Creek grant.
- The DNR comment period and review process has started for the CD 79/83 outlet cleanouts.
- Submitted a outlet application for some spot cleaning to DNR for the CD #4 outlet.
- The Florida Creek restoration project has been split into two phases and the group was hopeful to apply in May, but we have made a case to do both phases at the same time, so the North section doesn't get forgotten/left behind. Applying will likely occur next year to get the entire project applied for. SWCD and myself will likely do some water monitoring over the next couple months and there are likely some other measurements still to be taken.

- Houston held a short webinar highlighting changes to Drainage DB. Customers will have the ability to update the GIS layers in Drainage DB without sending them to Houston. This would require us to get an ArcOnline subscription. Houston is going to be reaching out to customers individually to discuss more in depth how this can work. Mitch is checking on cost of ArcOnline.
- I would like to do a coloring contest for Earth day in April. We can post on our website, do a radio announcement, and send out to grocery stores and would like to give either a DQ gift certificate or Subway gift certificate. Discussion followed.

Manager Craigmile motioned to approve the Earth Day Coloring contest with gift certifactes as a prize, seconded by Manager Ellefson. Upon vote, motion passed 5-0.

#### **WCA:** Mitch Enderson reported on monthly activities.

- I met with a landowner regarding a restoration order. The landowner is in disagreement over the size of the wetland. Onsite landowner could not provide evidence of existing tile in the wetland, just said it must have been there since there was tile in separate areas of the field. I will discuss with the TEP this week regarding wetland size. Currently the restoration order remains as is.
- A wetland bank plan application was submitted March 3<sup>rd</sup> for a site in section 15, Yellow Bank Township. The application was noticed March 8<sup>th</sup> and I emailed the application to the board March 23<sup>rd</sup>. The comment period ended March 31<sup>st</sup> and the only comments received were from the TEP panel and BWSR. The commenst are being compiled by the TEP and will be returned to the sponsor. A conditional use permit will need to be obtained so the sponsor is aware that a decision might not be made today, in which case I will issue a 60 day extension. Discussion followed, with the Board waiting to make a decision until the conditional use permit is obtained.
- I replied to a DNR inquiry about CUP on Mark Sand & Gravel property.

# **DRAINAGE MANAGER/INSPECTOR**: Jared Roiland reported on monthly activites:

- Darrel and I met with the contractor and engineer on site of the CD #42 Improvement project. WE discussed
  current conditions and timelines for the remainder of the project. The contractor hoped to have the main and all
  the connections made by the end of the month.
- The spring MADI meeting was held virtually. Many of the Counties across the state are experiencing the same difficulties with deteriorating ditch systems and difficulties working in ditch systems and involve public waters.
- Trudy and I had a virtual meeting with the engineer for the Br 3 CD #4 Improvement project. They were sending a surveyor out to get ground level, tile intake, and ditch cross section elevation shots along the system to create a more accurate model to put in the preliminary engineer's report.
- Darrel & I met with the surveyor and landowners along the Br 3 CD #4 Improvement site to get elevations along the tile system ane along the open ditch outlet.
- Mitch & I took the pickup to Tofte's to get the drop-in bed liner put in. We got a quote for a drop-in and a sprayon bed liner and talked to Ryan about both options and the drop-in liner fit our needs the best.
- Checked on the progress of the CD #42 improvement project and the contractor had finished installing the main line and had to make the lateral connections and inish leveling the excavated material over the line to grade.
- Mitch & I have been working on a public water permit application to restore the proper outlet for the CD #4 ditch system
- Darrel & I met on site with a landowner regarding a neighbor's tile project. Potential solutions were discussed to resolve the issue.
- Reported on buffer compliance in LQP County.
- Created a spraying log to document the conditions and locations for each day when we are out spot spraying.
- Discussed a possible need for a mobile hotspot to use with the surface computer to have internet access when in the field. Manager Craigmile thought there may be a hotspot in the pickup that can be used. Discussion followed.

#### **OTHER:**

Francis Brandenburger met with the Board to discuss a concern with the culvert in the road between sections 2/3 Augusta Township. This is not a new issue as this was done 5-10 years ago, as the Township raised the road, and then Jesson basically put a dike in his field around the culvert which can cause the water to back up 2 quarters of Francis's land in the spring. He didn't feel this was right and wanted the Watershed Board to try and do something about this. Pictures of this were passed around for the Board to look at. Francis explained that during a flood event the water will go over Hwy 24 into Nassau before it goes over the Township road. Discussion followed. Manager Craigmile said the Township has the jurisdiction on the road and right-of-way but felt the dike was an obvious watershed issue and felt we should seek legal council for advice. No further action was taken.

# TREASURER'S REPORT: Dave Ludvigson presented the Treasurers report.

Manager Dave Craigmile motioned to transfer \$10,000 from the park deposit account to the park expense account, seconded by Manager Michael Frank. Roll call vote was taken and motion passed 5-0.

Manager Michael Frank motioned to accept the Treasurers' report as read, seconded by Manager John Cornell. Upon vote, the motion passed 5-0.

The following warrants were presented for approval:

| Number \               | /endor                             | Details                    | 03 /03/2         | 021 to 4/06/2021 |
|------------------------|------------------------------------|----------------------------|------------------|------------------|
| General Klein Accoun   | t:                                 |                            |                  |                  |
| None                   | <del>-</del>                       | Т                          | OTAL             | \$-0-            |
| LIDD Dowle European A. |                                    |                            |                  |                  |
| UPB Park Expense Ac    | <del></del>                        | .1002                      |                  |                  |
| Transfer               | March payroll                      | 4/5/2020 payroll           |                  | \$2,176.58       |
| 1326                   | Advocate Tribune                   | cleanup from April Ad      |                  | \$35.20          |
| 1327                   | Ag Plus Cooperative                | gas                        |                  | \$797.66         |
| 1328                   | Running's Supply                   | fence post                 |                  | \$76.91          |
| 1329                   | Frontier Communications            | park phone, fax, internet  |                  | \$297.13         |
| 1330                   | Kockelman Construction             | snow removal               |                  | \$87.75          |
| 1331                   | Lincoln Pipestone Rural Water      | March water                |                  | \$47.79          |
| 1332                   | Olson Sanitation LLC               | March trash                |                  | \$15.21          |
| 1333                   | C. A.S. Pumbing & Heating          | quarterly softner rent     |                  | \$43.28          |
| 1334                   | Lyon-Lincoln Electric Coop         | park electricity           |                  | \$727.50         |
|                        | •                                  | Т                          | OTAL             | \$4,305.01       |
| •                      |                                    |                            |                  |                  |
| UPB GENERAL ACCT       | <u>:</u>                           |                            |                  |                  |
| 21033-21035            | semi monthly payroll               | March 19 payroll           |                  | \$5,108.53       |
| 21036                  | David Ludvigson                    | March per diem             |                  | \$115.43         |
| 21037                  | David Craigmile                    | March per diem & mileage   |                  | \$505.99         |
| 21038                  | Michael Frank                      | March per diem & mileage   |                  | \$137.84         |
| 21039                  | John Cornell                       | March per diem & mileage   |                  | \$463.78         |
| 21040                  | Darrel Ellefson                    | March per diem & mileage   |                  | \$255.38         |
| 21041                  | Darrel Ellefson                    | March ditch work & mileage | e                | \$414.19         |
| 4001                   | LQP-YB Liability                   | semi-monthly PERA          |                  | \$1,004.49       |
| 4002                   | John & Sandi Buer purchase buildin | -                          | k 5 Kinsness Add | \$63,777.61      |
| 21042-21045            | semi monthly payroll               | April 5 payroll            |                  | \$7,285.09       |
| 4003                   | VOID                               | VOID                       |                  | \$-0-            |
| 4004                   | LQP-YB Liability                   | monthly & semi-monthly PI  | FRA              | \$1,414.88       |
| 4005                   | Rinke-Noonan Attorney              | monthly retainer, CD#42, K |                  | \$2,416.00       |
| 1005                   | Kilike-Hoolian Anothey             | monung retainer, CD#42, K  | areis iettei     | Φ2,4 IU.UU       |

| 4006       | Yellow Medicine County          | 2021 property taxes                     | \$5,436.18     |
|------------|---------------------------------|---|----------------|
| 4007       | Houston Engineering             | CD #42 & Br 3 CD #4 improvements        | \$49,835.27    |
| 4008       | I & S Group, Inc.               | CD #54 improvement engeinering          | \$12,874.62    |
| 4009       | Lac qui Parle Coop Oil          | gas for pickup                          | \$39.63        |
| 4010       | Tofte Auto & Sales              | install & purchase bed liner for pickup | \$288.99       |
| 4011       | Lac qui Parle Auditor/Treasurer | March postage                           | \$20.17        |
| 4012       | Lac qui Parle County Auditor    | April Health Insurance                  | \$4,679.00     |
| 4013       | LQP-YB Liablility Acct          | Federal withholding                     | \$3,992.72     |
| 4014       | LQP-YB Liability Acct           | quarterly state withholding             | \$1,567.00     |
| 4015       | Dirt Proz, LLC                  | pay request # 3 CD #42 improvement      | \$156,918.00   |
| 4016       | LQP-YB Liability Acct           | state withholding penalty & interest    | \$80.47        |
| 4017       | MN Revenue                      | March sales & use tax                   | \$291.00       |
|            |                                 | TOTAL                                   | \$318,922.26   |
| Debit Card |                                 |   |                |
|            | MAWD                            | Legislative registration                | <u>\$99.00</u> |
|            |                                 | TOTAL                                   | \$99.00        |

# **DITCH ACCT:**

None None <u>\$-0-</u> TOTAL \$0.00

Manager David Craigmile motioned to approve the warrants as presented, seconded by Manager John Cornell. Upon vote, motion passed 5-0.

#### Secretary's Report:

Manager Michael Frank motioned to approve meeting minutes #613 as mailed, seconded by Manager David Craigmile. Upon vote, motion passed 5-0.

OTHER: Jon Theisen (in person) & Curt & Mary Melby (via ZOOM) concern.

Administrator Hastad reviewed a permit for John Theisen in section 5, Florida Township that was approved. The permit was for three 638's structures, and a couple tile lines that outlet in the Hwy road ditch on the property line between James Theisen and Curt & Mary Melby. The Highway Engineer signed the permit for a 8" outlet. Our office received a call from Melby's concerned with the amount of tile being put in and outletting into the road ditch. They were not notifed and concerned it would flood their property. Manager Ellefson and Drainage Inspector Jared Roiland went to the site and asked the contractor to halt the project until we received a map showing the designed project. The Theisen's did not get funding for the 638 structures and instead did some pattern tiling with a 12" outlet into the road ditch by the Melby property. The project did not look like what was applied for. Discussion followed. The Board asked that Theisen's fill out a new permit with updated map of the project, get the YM Highway engineer signature, and work with the Melby's to find a solution to reroute some of the water that would work for both parties. JonTheisen said that the surveyor was out the day before to survey to see if some of the water could go behind the grove. Mary Melby confirmed that he was out trying to find a different route to the west to the North culvert. After much discussion, the landowners will review the surveyor findings and try to find a compromise. Manager Michael Frank will hold the permit until the landowners work out a solution and the YM Highway has a chance to review the changes. No further action was taken.

OTHER: Dirt Proz, LLC – Jason (in person) and Joe Lewis, Engineer with Houston Engineering (via ZOOM):

Jason with Dirt Proz, LLC met with the Board to discuss the punchlist for the Improvement of the CD #42 project. He was frustrated with the compaction test that was being required as they felt they were doing a good job on the project. Discussion followed. Joe Lewis with Houston Engineering reviewed some concerns they wanted addressed before Dirt Proz left the site. Discussed televising the project now instead of in a year after a freeze thaw. Engineer Lewis said they are not rejecting the pipe, they just want verification of compaction. He also discussed the possibility of a warranty bond

fro Dirt Proz for issues that may come up in the future. Joe said a performance bond was not a problem and they will fix something if it's their fault. He reviewed the timeline of what was left to do on the project. No further action was taken.

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

- Discussed a landowner concern with permit #13238. Hastad showed the area of concern and the Board discussed.
   Manager Ellefson will look at with Jared.
- The Br 3 CD #4 improvement project is moving forward. Hastad called the petitioner and requested additional funds so the project could continue.
- We signed the final documents for the purchase of the Buer building. The buildings were cleaned out, and the
  city sewer line was inspected and passed. We will need new locks, maybe some paint, and Hastad will get
  insurance on the buildings. Discussed if we wanted insurance on the contents. Board decided we would look at
  that at a later time.
- Discussed the joint powers agreement with LQP County for WCA. The documents have not been updated for years. Hastad will contact Attorney Kolb for his opinion.
- Presented a proposed new tiling permit application. At this time we are just looking at comments and feedback
  from the Board. Staff are finding a need for more information on the current permit application. They felt this
  was still farmer friendly, but would help to make better water/drainage decisions. The Board had some
  suggestions and Hastad will make some changes and bring back to the Board at the next meeting.
- Hastad reported that 2021 is the Watershed District's 50th Anniversary. Discussed if we should plan something for later in the summer and see how things are looking with the pandemic. No action was taken.
- Hastad reported receiving the Draft wellhead protection plan Part II for the City of Dawson which is open for comments.
- We received a thank-you from Julie Wollschlager for the sympathy card sent for Jeff Wollschlager.
- Hastad reported receiving the 2022 Yellow Medicine County Valuation notices.
- Hastad reported that spraying season is soon upon us and we would probably still need a few things. Discussion followed. Manager Craigmile & Ludvigson will work with staff to get a tank for water, and other things for spraying.

# PERMITS- The following permit applications were applied for:

| 13361 renew #12598 | Tim Milbeck            | Lac qui Parle 29-32  | seepage lines                          | 4/6/21 DE   |
|--------------------|------------------------|----------------------|--|-------------|
| 13362 renew #13000 | Cori Bothun            | Riverside, 29        | seepage, main tile                     | 4/6/21 DE   |
| 13363 renew #12992 | Cori Bothun            | Riverside, 12        | seepage lines                          | 4/6/21 DE   |
| 13364 renew #12486 | Cori Bothun            | Providence, 32       | seepage lines                          | 4/6/21 DE   |
| 13365              | Donn Larson            | Arena, 16            | main tile & pump                       | 4/6/21 DE   |
| 13366              | Donn Larson            | Arena, 22            | seepage, main tile                     | 4/6/21 DE   |
| 13367 renew #12999 | Greg Bothun            | Providence, 33       | seepage, main tile w/pump              | 4/6/21 DE   |
| 13368 renew #11957 | Gary Peterson          | Hammer, 33           | main tile                              | 4/6/21 MF   |
| 13369              | Mark & Nancy Gorder LF | P Hammer, 3          | seepage, main tile                     | 4/6/21 MF   |
| 13370              | John Theisen           | Florida, 2           | fix plug in existing tile              | 4/6/21 MF   |
| 13371              | Jordan Anhalt          | Freeland, 23         | seepage, repair existing tile line     | 4/6/21 DE   |
| 13372 renew #12810 | Lester Haugen          | Freeland, 3          | seepage lines                          | 4/6/21 DE   |
| 13373              | Jordan Brehmer         | Yellow Bank, 34      | seepage, main tile w/pump              | 4/6/21 DE   |
| 13374              | John Dove              | Cerro Gordo, 11      | fill in private ditch & replace w/tile | e 4/6/21 DE |
| 13375              | Call Family Farms      | Cerro Gordo, 22      | seepagelines                           | 4/6/21 DE   |
| 13376              | Brian Croatt           | Baxter, 3            | seepage, main line & close ditch       | 4/6/21 DE   |
| 13377              | John Kostad            | Riverside, 22        | seepage, main tile                     | 4/6/21 DE   |
| 13378              | Dane Prestholdt        | Madison, 26          | seepage, main tile                     | 4/6/21 DE   |
| 13379              | Dane Prestholdt        | Cerro Gordo, 24      | seepage, main tile                     | 4/6/21 DE   |
| 13380              | Dane Prestholdt        | Cerro Gordo, 10      | seepage lines                          | 4/6/21 DE   |
| 13381              | Steve Haas             | Madison, 22          | replace intakes w/seepage tile         | 4/6/21 DE   |
| 13382              | Steve Haas             | Madison, 15          | seepage lines                          | 4/6/21 DE   |
| 13383              | Steve Haas             | Madison, 15          | seepage lines                          | 4/6/21 DE   |
| 13384              | Gary Lee               | Lac qui Parle, 31-32 | seepage, main tile                     | 4/6/21 DC   |

| 13385              | Gary Lee             | Cerro Gordo, 36/Riversi | de, 1 seepage, main tile | 4/6/21 DE  |
|--------------------|----------------------|-------------------------|--------------------------|------------|
| 13386              | Jeff Johnson         | Lac qui Parle, 35       | clean ditch              | 4/6/21 DE  |
| 13387              | John Roisen          | Baxter, 30-31           | seepage lines            | 4/6/21 DE  |
| 13388              | John Roisen          | Lac qui Parle, 20, 29   | seepage lines            | 4/6/21 DC  |
| 13389 renew #12443 | Tad Merritt          | Manfred, 35             | seepage, main tile       | 4/6/21 DL  |
| 13390              | Roger Schuelke       | Augusta, 17             | seepage, main tile       | 4/6/21 DL  |
| 13391              | Tom Schuelke         | Augusta, 17             | seepage, main tile       | 4/6/21 DL  |
| 13392              | Mark & Daren Schmidt | Augusta, 17             | seepage lines            | 4/6/21 DL  |
| 13393              | Anthony Ludvigson    | Hamlin, 29              | seepage lines            | 4/6/21 DL  |
| 13394              | Keith Olson          | Arena, 31               | seepage, main tile       | 4/6/21 DL  |
| 13395 renew #12697 | Rick Weber           | Hamlin, 20-21           | seepage lines            | 4/6/21 DL  |
| 13396              | Call Family Farms    | Arena, 10-15            | seepgae lines            | 4/6/21 DL  |
| 13397              | Dan Jibben           | Perry, 36               | seepage, main tile       | 4/6/21 DL  |
| 13398              | Steve Haas           | Perry, 36               | seepage lines            | 4/6/21 DL  |
| 13399              | Myron Halvorson      | Arena, 29               | seepage, main tile       | 4/6/21 DL  |
| 13400              | Aaron Tasto          | Arena, 23               | seepage, main tile       | 4/6/21 DL  |
| 13401              | Steve Eidem          | Augusta, 29             | seepage, main tile, pump | 4/56/21 DL |
|                    |                      |                         |                          |            |

Permits Denied: Aaron Brehmer for Goerke signature, Jon Theisen for YM Highway Engineer signature.

Manager David Craigmile motioned to approve the permits except those held, seconded by Manager John Cornell. Upon vote, motion passed 5-0.

Meeting adjourned at 7:40 p.m.

Attest:

Minutes prepared by Hastad

The next regularly scheduled meeting of the Lac qui Parle-Yellow Bank Watershed District is Tuesday, May 4, 2021 at 4:30 p.m.

# STATE OF MINNESOTA LAC QUI PARLE/YELLOW BANK WATERSHED DISTRICT

The matter of the unpermitted obstruction of an artificial/constructed drainage way in section 27 of Yellow Bank South Township, Lac Qui Parle County, Minnesota

**Preliminary Findings and Order** 

The Board of Managers of the Lac qui Parle/Yellow Bank Watershed District, at its regular meeting on April 6, 2021, reviewed conditions related to an obstruction of an altered natural watercourse, constructed drainage way in section 27 of Yellow Bank South Township, Lac Qui Parle County, Minnesota. Based on the record before the Board, Manager Craigmile moved, seconded by Manager Frank, for adoption of the following **Findings and Order**:

- The State of Minnesota established the Lac Qui Parle-Yellow Bank Watershed District in 1971 with the specific purpose of managing water quality and quantity issues within its jurisdictional boundary.
- 2. Pursuant to its enabling legislation, the Board of Managers adopted and has updated a Comprehensive Watershed Management Plan in order to (1) assess and document conditions in the watershed affecting water quantity and quality, soil and water management and land use activities affecting water management; (2) set goals, objectives and priorities for comprehensive water and watershed management; (3) establish standards for managing changes in the watershed affecting water management.
- 3. As required by statute, the Board has adopted administrative rules, including a permitting program for the purpose of implementing the authorities of the District and to ensure that covered activities meet performance standards supportive of the goals, priorities and objectives of the watershed management plan.
- 4. Between 1993 and 1994, private parties altered a natural watercourse and constructed a ditch or waterway to confine and convey surface drainage flowing into and through the southwest quarter of section 27 to a more adequate outlet.
- Construction of the waterway relieved overland flow and flooding from the west half of section 27. The constructed waterway outlets to an existing drainage ditch, altered natural watercourse on property owned by the Karels family.
- 6. The exact circumstances of the original construction are not clear to the Board. The Board cannot find a District permit evidencing the original construction. However, the

constructed waterway has existed and been maintained since its original construction, both on and off the Karels property, in substantially the same condition as originally established.

- 7. In 2017, several landowners, including D. Ulrich (parcels 44-0123-000 and 44-0123-010), P. Karels (parcel 44-130-000) and G. Karels (parcel 44-130-010) applied for and were granted a permit to maintain the waterway across all four parcels (see permit 12043).
- 8. In 2020, D. Brehmer, D. Ulrich and J. Barthel applied for and were granted a permit to maintain the waterway (see permit 13187).
- 9. In the spring of 2020, the Board learned that Brad Karels (parcel 44-130-000) had installed a crossing over the waterway which included only two, six-inch diameter pipes to allow for the passage of water.
- 10. The Board finds that the two, six-inch diameter pipes are insufficient to convey the water in the waterway without causing damage to properties upstream of the crossing.
- By letter dated July 10, 2020, the Board notified Brad Karels that the installation of the crossing with insufficient capacity was a violation of the District's administrative rules.
- 12. In response to the letter, by phone conversation with District Administrator, Trudy Hastad, Mr. Karels indicated his intent to replace the six-inch pipes with a culvert to match the upstream and downstream culvert capacities.
- 13. To date, Mr. Karels has not removed the crossing or replaced the six-inch pipes with an appropriately sized culvert.
- 14. By letter dated December 30, 2020, the Board sent another letter to Mr. Karels. In the December 30, 2020, letter, the Board invited Mr. Karels to appear before the Board and explain why his actions either did not require a district permit, were not a violation of the District's administrative rules or why the Board should not find a violation of its rules, order correction and, if not corrected, initiate an enforcement action.
- 15. Mr. Karels has not appeared at the January, February or March meetings of the Board.
- 16. The District's administrative rules require a permit for the construction or alteration of private drainageways. The performance standards for such permits require that any bridge, culvert, or crossing must have a capacity that is compatible with the nearest upstream and downstream bridge, culvert or crossing. If intended for water control purposes, the natural flow of surface water shall not be artificially obstructed so as to cause an overflow onto the property of other landowners without their consent.

. . . . . . .

17. The Board finds that the actions of Mr. Karels in installing the crossing required a permit under the District administrative rules and that the unpermitted installation of the crossing with insufficient culvert sizing is a violation of the District's rules. The Board concludes, therefore, that a violation of District rules exists on the property owned by Bradley, Lindsey and Pamela Karels (Parcel 44-0130-000) at 3541 131st Avenue, Bellingham, MN 56212, legally described as the North ½ of the Southeast ¼ of section 27, Township 120 North (Yellow Bank South), Range 46 West, in Lac Qui Parle County, Minnesota.

Based on the foregoing findings, the Board of Managers adopts the following Order:

- a. The Board orders Bradley, Lindsey and Pamela Karels, owners of parcel 44-0130-000, at 3541 131st Avenue, Bellingham, MN 56212, and legally described as the North ½ of the Southeast ¼ of section 27, Township 120 North (Yellow Bank South), Range 46 West, in Lac Qui Parle County, Minnesota to either remove the unpermitted crossing as described in the order herein or install a twenty-four-inch diameter culvert in the crossing as is necessary to be compliant with the District's administrative rules.
- b. Further, the Board orders that the action described in paragraph a, above, be completed no later than May 21, 2021.
- c. Further, the Board orders that upon completion of the actions above within the time specified, the District shall issue an after-the-fact permit for the crossing documenting the required conditions.
- d. Further, if the actions above are not completed within the time specified, the Board directs and authorizes its staff, with the assistance of the District's attorney, to initiate enforcement actions pursuant to statutes section 103D.545.

|                 | <u>Yea</u> | <u>Nay</u> | <u>Absent</u> | <u>Abstain</u> |
|-----------------|------------|------------|---------------|----------------|
| Darrel Ellefson | X          |            |               |                |
| Michael Frank   | X          |            |               |                |
| David Ludvigson | X          |            |               |                |
| David Craigmile | X          |            |               |                |
| John Cornell    | X          |            |               |                |

Upon vote, the President declared the motion passed.

Daniell Ellefson, President

Dated: April 6, 2021

\* \* \* \* \* \* \* \* \* \*

I, David Craigmile, Secretary of the Lac qui Parle/Yellow Bank Watershed District, do hereby certify that I have compared the above motion, findings and order with the original thereof as the same appears of record and on file with the Board of Managers and find the same to be a true and correct transcript thereof. The above order was filed with me, Secretary of the Board of Managers, on April 6, 2021.

IN TESTIMONY WHEREOF, I hereunto set my hand this 6th day of April, 2021.

Casad Casa gruido
David Craigmile

\* - Free \* - - - -