

PRELIMINARY MINUTES SUBJECT TO THE MANAGERS APPROVAL

Minutes of the Meeting of the Managers

Turtle Creek Watershed District

February 16<sup>th</sup>, 2021

The Turtle Creek Watershed Board of Managers met at 5 P.M. at the Government Center in Hollandale Minnesota following the guidelines of sanitizing tables and chairs and social distancing before the start of the meeting. Steve Lawler also set up the Zoom meeting at the Government Center with the hot-spot device, also offering a phone number for those wishing to participate off site.

Attending the meeting were Jeff Ravenhorst, Jon Erichson, Michelle O'Connor, Dave Vanderploeg, Peter VanErkel, Steve Penkava, Steve Lawler and Att'y Kurt Deter.

Also attending the meeting were Pat Martinson—Freeborn Cty Auditor-Treasure, Kelly Hendrickson, Bob Hansen—Viewer, Mark Behrends—Viewer, Wayne Borneman, Kendall Langseth, Att'y Dan Donnelly, Chris Christianson, and Karen Austinson. Attending from Zoom was Sandy Tomschin—Freeborn County.

The January 2021 minutes has one correction in the Corn damage rate Nancy states she transposed the number of bushels **should be 190.9 NOT 109.9**, with this correction Pete made a motion to approve the minutes seconded by Dave and carried.

In correspondence Steve Lawler reports he was able to contact Jeanine on the concerns raised about the lack of a fish barrier on newly proposed culverts for the J26 re-construction project. This is a reply received via email from Jeanine: I was/am aware of the proposed culvert replacement on Co. 26. Both Freeborn County and DNR Eco-Waters staff reached out to me for comment. I am less concerned about the loss of the fish barrier than I was a decade ago. We have a much more effective barrier at the lake dam than we did at the beginning of our lake management efforts. Due to the level grade, a barrier at the Co. 26 culvert is a partial barrier at best. The proposed design does not preclude retrofitting something if we come to regret this decision, although it would not be as easy as the box culvert has been. From a lake management perspective I would like to see it set at least 6" lower so the water level could follow the lake level down a bit further. This would facilitate winterkill when indicated. However, I also understand this can be a bit of an ask given the many factors at play when road culverts are replaced. Thanks for checking. Please feel free to contact me if you have questions or need more information. After discussion Jon requested Steve Lawler follow up with Jeanine regarding the fish barrier, and possibly have Jeanine attend the next meeting if she is available.

The Treasures report showed \$ 234,388.11 in checking and \$ 22,189.07 in savings. Jon made a motion to accept this report subject to audit seconded by Dave and carried.

The followings bills were submitted for approval to be forwarded to Pat Martinson-Freeborn County Auditor-Treasure:

Jones, Haugh, Smith, Inc.	\$ 4,580.90 (Routine Maintenance)
Jones, Haugh, Smith, Inc.	\$ 845.00 (Routine Maintenance)

Jones, Haugh, Smith, Inc.	\$ 1,750.00 ( Improvement Cty Ditch J12)
Jones, Haugh, Smith, Inc.	\$ 1,560.00 ( Redetermination of Benefits J24)
Rinke Noonan	\$ 650.00 Improvement Cty Ditch J12)

Pete made a motion to approve and forward the bills seconded by Jeff and carried.

The following bills were submitted for payment by the District:

Verizon Wireless	\$ 55.29
Hill, Larson, & Walth, P.A,	\$ 289.00
CliftonLarsonAllen, LLP	\$ 1,617.00
MCTI Insurance	\$ 1,464.00
2021 MAWD Dues	\$ 3,041.00
Troy Hawkshead	\$ 180.00 (3 beavers)
Rinke Noonan	\$ 950.00

Dave made a motion to pay the bills seconded by Jeff and carried.

An application for permit was submitted by Dennis Kuhn to tile in Freeborn Cty, Geneva Twsp section 29 to outlet into private tile. Ellingson Companies is the Contractor for this project. Gene DenHerder has signed this application as downstream landowner. Pete made a motion to grant this permit seconded by Jeff and carried. Permit # 02-01-21.

Pete made a motion to accept the annual report with two adjustments, the meeting start time should show 5:00 P.M. not 0500 and the correction of Allan Ravenhorst name spelling. Jeff second the motion and carried. Nancy will send hard copies along with the annual Financial reports from Jon to Dave Copeland—BWSR Rochester and Don Buckhout Board of Water & soil St Paul, as well as forward the original to Tim Ruzek SWCD who will put the annual report on the Internet page.

Steve Lawler distributed the modified work plan for the Managers review. Pete made a motion to accept this plan as the Boards Goals to reflect the 1W1P priorities for the year 2021 seconded by Dave and carried.

Steve Lawler ask for volunteers to meet with the Commissions for our annual update with their County Boards. Jon will meet with the Mower County Commissioners and Dave will meet with the Freeborn County Commissioners.

Jon reported he attended the 1W1P meeting as the Representative for Turtle Creek Watershed his past month.

Pete made a motion to adjourn the regular Board meeting for the public hearing seconded by Jeff and carried.

At 5:30 P.M. Chairperson Michelle called to order the Redetermination Hearing before the Turtle Creek Watershed District Board of Managers acting as Drainage Authority for county Ditch J12.

Atty Kurt Deter provided a copy of the agenda for everyone in attendance and explained the Purpose of the Hearing. Pat Martinson -Freeborn County Auditor-Treasure verified the Record of notice requirements with dates of publication. Mark Behrends spoke for the Viewers and explained their report completed under Minnesota Statutes 103E, the damages and benefits determined and how they arrive at these facts.

With no public comment Att'y Deter stated the following three agenda items must be considered:

- 1) The Viewers' Report has been made and other proceedings have been completed under Minnesota Statutes 103E.
- 2) The Viewers' Report made or amended is complete and correct.
- 3) The damages and benefits have been properly determined

Pete made a motion to approve the Redetermination of Benefits as the above 3 items have been met seconded by Dave. Pete, aye; Dave, aye; Jon, aye; Jeff, aye. Motion carried. Att'y Deter will draft an Order for the March 2021 meeting.

At this time the Final Hearing Before the Turtle Creek Watershed District Board of Managers acting as Drainage Authority for County Ditch J12 was called to order.

Att'y Kurt Deter Provided copies of the agenda for everyone in attendance then explained the purpose of the Final Hearing, Pat Martinson—Freeborn County Auditor-Treasure verified the record of Notice requirements and dates of publication. Steve Penkava gave the Engineer's report including maps and Power Point presentation. Att'y Deter gave the DNR report .

Mark Behrends gave the Viewers report and Att'y Donnelly gave a brief report.

At this point Att'y Deter advised the Managers they had the following 7 areas to consider:

- a. The Final Engineer's Report and Viewers' Report have been made and other proceedings have been completed under Minnesota Statutes 103E.
- b. The reports made or amended are complete and correct.

- c. The damages and benefits have been properly determined.
- d. The estimated benefits are greater than the total estimated costs, including damages.
- e. The proposed drainage project will be of public utility and benefit and will promote the public health.
- f. The proposed drainage project is practicable.
- g. The repair portion allocated by the engineer as repairs is assessed against all property benefitted by the entire drainage system and the balance of the cost of the Improvement is assessed against the property benefitted by the Improvement.

Pete made a motion to Establish the Improvement as the above 7 areas have been approved seconded by Dave. Pete, aye; Dave, aye; Jon, aye, Jeff, aye. Motion carried.

Att’y Deter will draft the Final Order for the 30-day appeal. Steve Penkava will move forward with a schedule for advertising for Contractors, bids and specifications.

Pete made a motion to adjourn the hearing seconded by Dave and carried.

Respectfully Submitted,

***Nancy K. Finley,***

Recording Secretary