

Minutes of the Meeting of the Managers
Turtle Creek Watershed District
September 19th 2023

The Turtle Creek Watershed Board of Managers met at the government Center in Hollandale Minnesota. Present were Michelle O'Connor, Jon Erichson, Dave Vanderploeg, Peter VanErkel, James Fett and Atty John Kolb remotely. Jeff Ravenhorst and Steve Penkava were absent. Also attending the meeting were Pat Martinson, Sandy Tomschin, and Mark Behrends.

Dave made a motion to accept the August 2023 minutes as presented seconded by Pete and carried.

The Treasurers Report showed \$185,597.10 in checking and \$152,295.01 in the money market. Pete made a motion to accept this report subject to audit seconded by Dave and carried. Jon distributed the Bank Reconciliation and Financial Statements dated August 2023. There was no discussion.

The following bills were submitted for approval to be forwarded to Freeborn County Auditor-Treasure:

Jones, Haugh, Smith Inc	\$ 1,875.00 (routine maintenance)
Rinke Noonan	\$ 1,799.50(ditch #31)

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

The following bills were submitted to be paid by the district:

Accurant LLC	\$ 316.00
US Post office	\$ 378.20 (box of stamped envelopes)
Rinke Noonan	\$ 485.00
Michelle O'Connor	\$ 315.72
Jon Erichson	\$ 491.92
Dave Vanderploeg	\$ 323.94
Peter VanErkel	\$ 200.00
Nancy Finley & Verizon	\$ 1,804.78

Jon made a motion to pay the bills seconded by Pete and carried.

An application for permit was submitted by Everett Jensen to tile in Section 26 T104 R021 E1/2 SE1/4 NE1/4 Bath Twsp, Freeborn Cty to outlet into an open ditch on Glen Jensen property. Morrien Drainage is the Contractor for this project. Adjacent landowner has signed this application. Pete made a motion to grant this application seconded by Dave and carried. Permit number 09-01-23.

At 5:15 P.M. Pete made a motion to suspend the regular Board meeting for the public hearing.

Chairperson Michelle called the hearing to order as the Turtle Creek Watershed District Board of Managers acting as drainage authority under statutes chapter 103E for the redetermination of benefits of Freeborn Cty J30.

Pat Martinson and Sandy Tomschin attended the hearing representing Freeborn County Audit-Treasure and verified the notice requirements from the Austin Daily Herald and Albert Lea Tribune.

Viewer Mark Behrends gave the history of the area, and why the Drainage Authority ordered a redetermination of benefits.

He then explained the meetings with landowners, how they proceed throughout the process using maps, LIDAR data and other information along with visual inspection of the watershed system.

At this point the meeting would be opened for public comment, hearing none, the hearing was open to Managers discussion .

Hearing no further discussion Pete made a motion the Viewers' Report and Exhibit A are proper, reasonable and conform to the drainage code and moved to adopt the foregoing finds and order the redetermination of Benefits for J.30 seconded by Dave and carried. Upon vote, the Board chair declared the Resolution passed and the findings and order adopted dated this 19th day of September 2023.

Pete made a motion to adjourn the hearing and return to the regular Board meeting seconded by Dave and carried.

With Steve's absence James gave the B & W Control Specialist 2023 bid summary for tree and brush control for Main ditch 9.0 miles \$9,500.00 and Mud Creek 10.6 miles \$5,500.00 total of \$15,000. Pete made a motion to authorize Steve to oversee the brush control with B & W as they have done a good job in the past years for Turtle Creek seconded by Dave and carried.

With Steve's absence James gave Steve's update regarding the proposed repair levy for 2024. Each manager received a worksheet with levy options. After discussion Pete made a motion to Levy \$90,000. This motion died for a lack of a second.

Jon made a motion to levy \$125,000 seconded by Dave and carried. Jon, aye, Dave, aye, Pete Nay, Jeff absent. Motion carried. Nancy will forward copies to both Freeborn and Mower County auditors.

Cattle in the creek was again discussed at length, Att'y Kolb and James will work together to discuss possible options, James will check with Freeborn County to verify if they have a policy in place, possible cost share, or funding sources and report back to the Board in October as well as meet with the landowners in person.

The Board received an indirect request from a landowner, through the Board's engineer, regarding planting and maintenance of trees along and near the bank of Mud Creek (a public drainage system under the jurisdiction of the TCWD). The Board discussed the requirements of statutes chapter 103E regarding trees adjacent to the drainage system and obstruction of the drainage system obligation of inspection and maintenance. The right of way of the drainage system includes the area contemplated and included in the original establishment, and includes the area adjacent to the ditch that is reasonably necessary to complete statutorily required inspection and maintenance obligations. The Board's attorney advised it that it would be inconsistent with the drainage code to allow any landowners to intentionally plant and maintain trees adjacent to the ditch in a manner that impedes inspection or maintenance.

James reminded Jeff and Pete their terms expire before the November board meeting. They will each need to submit a letter of request for reappointment to the Freeborn Board of Commissioners for reappointment.

James provided photos of garbage and tires from Turtle Creek. A group of volunteers cleaned up a sizeable amount of garbage and tires from Turtle Creek stream bed, nearly 1000 pounds from a half mile in Southwest Austin. CRWD and Turtle Creek Watershed District worked with a group under our Adopt-A-River program with staff removing the pile and paying for its proper disposal. If interested in doing a river cleanup please contact CRWD Outreach coordinator Tim Ruzek at: tim@mowerdistrict.org

Dave made a motion to adjourn the meeting seconded by Jon and carried.

Respectfully submitted,
Nancy K Finley,
Recording Secretary