

Minutes of the meeting of Managers  
Turtle Creek Watershed District  
January 16<sup>th</sup> 2024

The Turtle Creek Watershed Board of Managers met at the Government Center in Hollandale, Minnesota. Present were Jeff Ravenhorst, Jon Erichson, Pete VanErkel, Steve Penkava, James Fett and Att’y John Kolb. Absent were Michelle O’Connor and Dave Vanderploeg.

Also attending the meeting were: Randy Anderson, Ben & Andrea Anderson, Al & Beth Karstens, Arlen Schamber, Lance Loverink, Dawn Loverink, Easton Loverink, Lee Loverink, Kelly Hendrickson and Sandy Tomschin.

Manager Pete called the meeting to order.

Jeff made a motion to accept the December 2023 minutes as presented seconded by Jon and carried.

The Treasures report showed \$204,860.60 in checking and \$153,473.04 in the money market. Jon moved to accept this report subject to audit seconded by Jeff and carried. The monthly reports were not available at the time of the meeting.

The following claims were submitted to be approved and forwarded to Kelly Hendrikson Freeborn County Auditor-Treasurer:

Jones, Haugh, Smith, Inc.	\$ 1,105.00
Jones, Haugh, Smith, Inc.	\$ 20,800.00
Jones, Haugh, Smith, Inc.	\$ 5,775.00
Jones, Haugh, Smith, Inc.	\$ 3,375.00
Jones, Haugh, Smith, Inc.	\$ 3,750.00
Jones, Haugh, Smith, Inc.	\$ 3,600.00
Thomas Wayne (to Patton Ofc)	\$ 1,500.00 (bond)
Ditch Viewing	\$ 3,048.70 (Mark Behrends)
Rinke Noonan	\$ 434.50 (CD#8)

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

The following bills were submitted for payment by the district:

Accurant	\$ 158.00
Mn Watershed dues	\$ 3,916.00
Troy Hawkshead	\$ 180.00 (beaver tails)
Lance Loverink	\$ 120.00 (beaver tails)
Rinke Noonan	\$ 772.50
Nancy Finley	\$ 51.42 (Verizon)

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

James has been in contact with Ben Anderson of Scattered Acres LLC and informed him that he was in violation of TCWD rules. Attached is a conversation from 12/20/23 between James Fett and Ben Anderson: 12/20/23 1:34 P.M.

I informed Ben that he was in violation of TCWD rules by not getting a permit. I also said that our rules are in place to make sure things are designed properly to prevent erosion and make sure negative impacts aren't arising from diverting the flow. Ben said that his intent was to stop the existing erosion that was occurring across his field and along the south property line. He claimed there was a 3 and a half foot deep gully cut along the south property line heading east. He also claimed that there used to be a waterway on the western side of the property that would convey water from North to South along the fenceline that he reshaped. I told him that I understand his intent, but unfortunately he was still in violation by not getting a permit and surrounding landowner signatures. He asked who would've needed to sign since the ditch was the outlet, and I corrected myself and said that I would've asked Steve for clarification on signatures, but either way he needed to fill out a permit application. I also informed him that our attorney would be sending him a letter. He apologized for not getting a permit and said he did not intend to make anyone upset. I followed up with a text message showing our January meeting date, time, and location. I told him to feel free to call me on my cell phone if he'd like to discuss anything further in the meantime.

James

At this time Att’y John Kolb introduced himself and stated he was sending the letter on behalf and at the request of the Turtle Creek Watershed District Board of Managers. In mid-December, the Board became aware of ditching along the line between your property and that of Karsjens in the SE 1/4, Section 14, Geneva Township.

Improvement of drainage, including the construction, reconstruction or improvement of open ditches, is subject to permitting under the district's administrative rules. The purpose of these rules is not to prohibit activities. Rather, the purpose of the rules is to ensure that activities covered by the rules are performed in a way that does not risk harm to either neighboring properties or natural resources of concern to the district. The work you performed does not meet the performance standards required by the district.

As documented by the District's Engineer and Administrator, you have dug a ditch on the property line between your and Karsjens' properties, built a berm and installed an inlet into Mud Creek. The ditch bank along Karsjens' property line is near vertical with no sedimentation or erosion control installed. The lack of stabilization and erosion control is especially of concern because the ditch discharges directly to Mud Creek – a public drainage system under the District's administration.

By this letter, the Board of Managers is requesting that you appear at its January 16, 2024, meeting at 5:00 p.m. in the Hollandale Government Center, 102 Park Avenue West, Hollandale, Minnesota. At that meeting the Board will ask that you explain the actions you have taken and why the Board should not initiate enforcement actions to gain your compliance with the District's rules.

If the Board determines your actions to be violations of its rules and permitting requirements, it may bring enforcement actions under Minnesota Statutes, sections 103D.545 and .551. Prior to any enforcement action, you will be given an opportunity to bring the work into compliance, if possible, with the district's rules.

I do appreciate your earlier willingness to meet and work with Mr. Fett to address the situation. As the most immediate concern is erosion and delivery of sediment into Mud Creek, I strongly recommend that you take immediate steps to stabilize the lower portion of the ditch and its outlet to Mud Creek by installing erosion control blanket, rip-rap, silt fence or other practices.

Mr. Fett is authorized to work with you to develop and implement an erosion control plan while the Board works through this issue. Immediate steps to stabilize the site will likely delay any formal enforcement and give you time to develop a solution consistent with the district's rules and permitting requirements.

At this time open discussion with Mr. Anderson and the Managers continued. When discussion ceased Jon Erichson made a motion for Ben Anderson to work with James Fett to submit an acceptable permit application by the February 2024 meeting for the Board to consider seconded by Jeff and carried. Erichson aye, Ravenhorst aye, VanErkel aye, O'Connor absent, Vanderploeg absent.

Steve Penkava distributed copies of the 2024 crop damage report as follows:

It is the policy of Freeborn County to set a rate of pay for crop damages that may occur due to repair, improvement, or construction projects. This is done at the beginning of the year for the entire year.

The yield is determined by using a three-year average yield for Freeborn County from data received from the USDA. (National Agricultural Statistics Services)

The sale price is determined by using an average sale price for "new crop" corn and beans from three local elevators on November 28, 2023.

Corn damage rate	208.0 bushels @ \$ 4.63 = \$963 per acre
Bean damage rate	59.6 bushels @ \$12.23 = \$729 per acre

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**Freeborn County Crop Damage Rate for 2023 (Not planted)**

It is the policy of Freeborn County to set a rate of pay for crop damage that may occur due to repair, improvement, or construction projects. This is done at the beginning of the year for the entire year.

In anticipation of an upcoming project the County may occasionally ask a landowner not to plant the area to be worked on. This gives the Contractor more time to complete projects and may also result in better quotes.

The rate of pay for not planted acres is \$660. Per acre. This rate is based off from an average annual rental rate of approximately \$375.

The first year the unplanted acres would have no yield

The second-year yield reduction would be approximately 50% because the soil has been disturbed.  
The third-year yield reduction would be approximately 25% because the soil has been disturbed  
The fourth year the yield should be back to normal.

These two documents have been signed by 3 Drainage Ditch Viewers and Kelly Hendrikson Freeborn County Auditor-Treasurer. Jeff made a motion to accept these reports seconded by Jon and carried.

Jon made a motion to set the date for the CD8 Improvement hearing for March 19<sup>th</sup> 2024 at 5:15 at the Government Center in Hollandale Minnesota seconded by Jeff and carried.

Nancy distributed copies of the proposed 2023 annual report for review to be accepted subject to any additions, corrections, and/or adjustments at the February 2024 meeting.

James has updated 2 forms for the Board one for the Resolution for TCWD Administrative Budget the second one for the Certification of Repair Fund Assessment Levy Freeborn/Mower JCD J-24. Kelly Hendrickson has approved both of them, Thank you James for the extra efforts.

Manager Pete ask for nominations for officers, Jeff made a motion to re-instate the current positions. Hearing no further nominations Jon seconded the motion. No discussion followed. The positions for 2024 are Michelle O'Connor Chairperson, Dave Vanderploeg, Vice Chair, Peter VanErkel Secretary Jon Erichson Treasure, Jeff Ravenhorst. 3 ayes and 2 absent voters.

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

Respectfully Submitted,  
Nancy Finley  
Recording Secretary