

Minutes of the Meeting of the Managers  
Turtle Creek Watershed District  
March 21<sup>st</sup>, 2023

The Turtle Creek Watershed Board of Managers met at the Government Center in Hollandale, Minnesota. Present were Jon Erichson, Dave Vanderploeg, Peter VanErkel, Steve Penkava and James Fett. Jeff Ravenhorst and Michelle O'Connor were absent.

Also attending the meeting were Dave Copeland—BWSR, Ron Olson, Troy Olson, Jim Benson, Wayne Nielsen, Jim Nielsen, Arlen Schamber, Tom Butler, Att'y Dan Donnelly, Scott Lightly, Dawn Lightly, Doug Riskedahl, Mark Behrends—Viewer, and Jeanine Vorland –DNR. Attending Remotely were Att'y John Kolb, Pat Martinson—Freeborn Treasure-Auditor, Sandy Tomschin, and Chad Jerde.

Dave Chaired the meeting in Michelle's absence and called the meeting to order.

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

The Treasurers report showed \$186,640.86 in checking and \$150,738.15 in the money market. Pete made a motion to accept this report subject to audit seconded by Jon and carried.

Dave explained to the attendees the reason TCWD is now using two banks to abide with the FDIC regulations.

Jon distributed the Bank Reconciliation and Financial reports ending February 28<sup>th</sup>, 2023, there was no discussion.

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

Jones, Haugh, Smith	\$ 450.00 (Routine Maintenance)
Rinke Noonan	\$ 710.00 (J30 Redetermination of Benefits)
Rinke-Noonan	\$ 710.00 (JD# 27 Redetermination of Benefits)
Rinke-Noonan	\$ 925.00 (Ditch 31 Redetermination of Benefits)
Rinke-Noonan	\$ 2,896.50 (Ditch 31 Improvement)
Rinke-Noonan	\$ 1,092.50 (CD J27 Improvement)

Pete 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 LLC	\$ 158.00
Peter VanErkel	\$ 400.00
Dave Vanderploeg	\$ 400.00
Jon Erichson	\$ 862.88
Rinke Noonan	\$ 237.00
Rinke Noonan	\$ 197.50
Nancy Finley & Verizon	\$ 2970.14

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

Tom Butler addressed the Board regarding the CD J27 improvement project. The Board recommended Tom and the petitioners meet with the engineer to review the issues and modify the plan if needed.

Jon gave an updated report on the trees in Turtle Creek between Interstate 90 and 12<sup>th</sup> St SW bridge where the new canoe/kayak access is located. Bid packets along with an addendum were given to Morem Tree Service of Austin, Johnson Construction and Tree Service of Blooming Prairie, and Olson Tree Service of Grand Meadow. Jon and James reviewed the bid packets with the Contractors. After discussion Jon made a recommendation to hire Olson Tree Service of Grand Meadow as coming in as the lowest bid of \$31,300.00 and meets insurance requirements and licensed to work in the City of Austin. Pete second the motion and carried.

Jeanine Vorland attended the meeting and gave the following report on Geneva Lake:

Stop logs are presently set at full service level (all stop logs are in the dam). There is flow over the dam, but the lake as not come up much with snow melt to date. We are monitoring runoff and hope to start removing stop logs soon. I plan on lowering the lake through summer 2023 to regenerate bulrushes and cattails. The lake does not appear to have winterkilled and the water remains turbid with algae growth under the ice.

At 5:30 Pete made a motion to recess the regular meeting seconded by Jon and carried.

Chair Person Dave called the hearing to order and reconvened the continued preliminary hearing in the matter of the petitioned improvement of CD 31. The Board President called upon attorney Kolb to address the matter. Kolb reported to the Board the status of petitioners' work with the engineer to address plan revisions for the improvement and the lack of revised plan. Kolb also reported to the Board of apparent disagreements among petitioners over whether to proceed with the petitioned improvement. Finally, Kolb addressed the discover of an exceedance of costs beyond the petitioners' bond. Based on the exceedance of costs, Kolb explained, the Board is unable to take any action in the proceedings until the bond is increased. Kolb recommended an indefinite continuance of the proceedings and, following that action, if taken, the Board invite comments from petitioners and their attorney. Kolb further explained his understanding that a majority of the petitioners may request dismissal of the proceedings. Manager Jon asked Kolb the effect of dismissal and how costs would be recouped. Kolb responded by explaining his opinion of how the drainage code works to ensure costs are recovered by petitioners even when in excess of the bond. Kolb also explained options for recovering costs by assessment to petitioners' lands. Freeborn County Auditor-Treasurer, Pat Martinson, confirmed costs incurred to date exceed \$190K.

Motion by Jon, seconded by Pete to continue the hearing indefinitely and to notify petitioners of the requirement of an increased bond. Motion passed with managers (those present) voting in favor. Dave then recessed the continued hearing and reconvened the regular meeting, calling for comments from the petitioners and their attorney. Petitioners' attorney, Dan Donnelly, confirm Kolb's description of the status of the proceedings and stated that he believed there would be a request for dismissal from a majority of the petitioners. Petitioner Chad Jerde commented on the likely filing of a request to dismiss the proceedings and asked that the Board work with petitioners on a plan to recover the costs as a tax assessment, noting that the costs are substantial. Jerde also commented on the lack of notice or knowledge of petitioners of the costs incurred to date. Kolb suggested that, if of value to the District in its watershed management activities, the Board could pay a portion of the costs of the engineering in order to reduce the overall liability of the petitioners. Upon dismissal, the engineering become the property of the petitioners and can be used to support a future petition for improvement, if any.

After discussion ceased the Managers continued with the regular meeting.

At this point Dave ask Nancy to note in the minutes for next month's agenda items to discuss: how the Bond is established and how the Board should proceed to have updated reports possibly quarterly, in the future.

Also, the Managers will discuss with the full Board present having Att'y Kolb involved in further projects from the beginning of the project.

Also add to the Agenda next month does the Board want James to do Water Monitoring for Turtle also.

James reported he will begin Water Monitoring for Cedar River this coming week.

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

Respectfully Submitted,  
Nancy K. Finley  
Recording Secretary