

# Lac qui Parle-Yellow Bank Watershed District

## Meeting Minutes #630

### August 2, 2022

#### Call to Order

The meeting was held in the Lac qui Parle County Annex, 422 5<sup>th</sup> Avenue, Madison, MN, with a virtual ZOOM login option. The meeting was officially called to order by Chairman Darrel Ellefson at 4:30 p.m. **Managers Present:** Chairman Darrel Ellefson, Vice-Chairman John Cornell, Secretary David Craigmile, Publicity Manager Michael Frank, and Treasurer Andrew Weber. **Managers absent:** none. **Staff present:** Administrator Trudy Hastad, Park Manager Ron Fjerkenstad, Ditch Inspector Jared Roiland, Environmental Feedlot Specialist Abby VanKempen, and Coordinator Mitch Enderson. **Staff Absent:** none **Others present:** Attorney John Kolb, via zoom, & Landowner Ben Wollschlager.

#### Approval of the Agenda

Chairman Ellefson asked for additions to the agenda. There being none, Manager David Craigmile motioned to approve the amended agenda, seconded by Manager Michael Frank. Upon roll call vote, motion passed 5-0.

Attorney Kolb joined the meeting via zoom to discuss the County Ditch #42 Improvement project. Attorney Kolb reported at the last meeting we gave Dirt Proz, contractor for the project, until August 15, 2022 to return to the project or the intention would be to default and call in the bond. Attorney Kolb reported that the Engineer, Joe Lewis, heard from Dirt Proz and received a more detailed response with them intending to remobilize the third week of September and prior to that they intend to dewater the flooded area. They have a work crew of three and are looking into contracting with a local contractor to plow into the flooded area and proposing to plow flexible pipe in where it makes sense to plow it in. It is not an exact schedule and the engineer has reached out to Dirt Proz to request more detail. Attorney Kolb advised holding off on declaring default as he was setting up a meeting with the bond attorney, contractor attorney, insurance attorney, contractor, WS, & himself for a better timeline and to stress the importance of getting this project complete so the Watershed didn't declare default. Watershed and landowners have been more than patient. He stressed the goal is to ensure the work gets done. If we default the Surety gets 15 days to decide how to proceed: put pressure on Dirt Proz to get job complete, hire own contractor to complete work, or turn money over to the Watershed to find own contractor to complete work. If that happens then probably need engineer to design new plans & specs and have to rebid and won't get anything done until next spring at the earliest. The Engineer thinks we could get this done this fall if Dirt Proz would show up. Discussion followed. Manager Ellefson asked if Dirt Proz is accumulating any penalty with Attorney Kolb responding they are accruing and we have approximately \$70,000 of retainage funds plus the Bond. Attorney Kolb said if we default today, we would not get anyone to complete the project this fall. Kolb suggested holding off on calling default until he has the phone conference with the attorney's and if it goes nowhere then maybe hold special Watershed meeting to declare default. Manager Frank said we might as well wait & see what Dirt Proz can do. Manager Ellefson asked if Dirt Proz was making progress on their project in Jackson County. Kolb knew they had some problems with equipment and a back injury, but would follow up with ISG the engineer on that project. The Board agreed to follow Attorney Kolb's advice and hold off on calling the Bond, to give Dirt Proz an opportunity to get back to the job site, and to give Attorney Kolb time to have a phone conference with the attorneys involved. No action was taken.

#### Staff Reports:

**PARK:** Park Manager Ron Fjerkenstad gave the park report.

- The walk in the park event held July 16, 2022 at the park was a huge success. A master gardener from the University spoke and Manager David Craigmile gave a talk about Del Clark Lake. The event was well attended.
- The new playground is installed and the kids love it. Ron said it took about three weekends and many volunteers to get it done and he was very appreciative of all the support and volunteers. They seeded the grass and will start watering and he would like to have a meal to thank all the volunteers for a job well done.
- The repair to the park cart was completed and workers were glad to have it back.

- There is still a waiting list for reservations at the park, and they are almost full through labor-day weekend.

**Environmental/Feedlot Specialist:** Abby VanKempen gave her monthly report.

- We are almost halfway done with our feedlot inspections. I have two scheduled for tomorrow and they are going very well.
- I submitted an article for farmers and ranchers with crisis hotline numbers if needed for the papers to run at their discretion.
- We are still working with storm damage from the May storms and people have been in to get zoning permits for rebuilds.
- The electronic waste collection is the 2<sup>nd</sup> Saturday of the month and will run through October.
- We have started to advertise for the pesticide jug collection to be held in conjunction with the Department of Ag.
- We are settling into the temporary office.

**DRAINAGE REPORT:** Jared Roiland gave his monthly report as follows:

- On July 5, 2022 we held a landowner meeting on the County Ditch #42 improvement project. Attorney Kolb reviewed the status of the project and answered landowner questions and concerns along with the County & Watershed Board concerns.
- On July 19, 2022 I met with Chris Otterness and Adam Nies from Houston Engineering on the Br 3 CD #4 improvement site. Progress is going well on this project.
- Trudy & I had a phone conference with Attorney Kolb and Houston Engineering to discuss next steps in the CD #42 improvement project if we don't receive a detailed schedule from the contractor before the August 1<sup>st</sup> deadline.
- Mitch and I sprayed Lateral A CD #4 and Br 4 CD #4 and near the end of the ditch we encountered problems with the Roxor locking into gear. We took it to LQP Coop and they couldn't do anything or know what was wrong and so we have an appointment set up with the nearest dealer in Sioux Falls, SD to have the issue fixed.
- We met with the contractor and engineer for the CD #4 crossings project. There are three wooden crossings that are going to be replaced with 9 and 10' diameter CMP. We viewed all three sites and discussed timelines and expectations for each one.
- Mitch, Rhyon from SWCD, and I went out to take elevation shots of a branch of CD #5. We need these elevation shots to determine a grade line for the ditch so that Mitch can determine how many wetland acres could be affected to see if any mitigation needs to take place to clean this ditch.
- Finished the CD #54 damage claim forms and are waiting for the W-9's from the landowners before payments can be made.
- Trudy & I inspected the 2018 repair on CD #12 as a landowner was having issues re-enrolling his CRP and asked if he could close a portion of the ditch and farm over it. After review, we talked to SWCD and they didn't see why he wouldn't qualify for CRP so we instructed the landowner to contact SWCD and work with them.

**COORDINATOR REPORT:** Mitch Enderson gave his monthly report.

- Groundworks has the contract in hand for the Kamrath dam repair. He has indicated to Kerry a mid-August start date. We will get the signed contract back and be invited to a pre-construction meeting prior to the start date.
- The Del Clark projects have been repaired and the remainder of the contract with A&C has been closed.
- The Steering team for 1W1P met on the 27<sup>th</sup> of July. HEI combined all plan sections in a draft plan and the steering team provided comments on the plan. The Administrative section was reviewed for the first time. The

remaining timeline was discussed, and although it will be a crunch, BWSR still thinks we can complete in time for 2023 WBIF.

- We have had two applications for SSTS in 2022 with one payment made.
- Semi-annual reporting for SSTS was completed, submitted, and approved.
- The SSTS loan expires August 20, 2022. I have a resolution for the Board to review and adopt to submit a new loan application proposal and for me to be authorized to submit the proposal. The maximum amount that can be requested is \$750,000. Based on how much systems are now costing and what we have paid for over the past 5 years, Trudy and I thought it would make sense to apply for the full amount. Discussion followed.

Manager Michael Frank motioned to apply for the new SSTS loan for \$750,000 with Mitch Enderson authorized as the signer, seconded by Manager Andrew Weber. Upon roll call vote, motion passed 5-0.

- We have a little over one drawer remaining to scan for the Watershed permits and then they will be available on line to staff.
- Worked with Lyon County for some GeoMoose edits and submitted the Lyon County invoice.
- Helped Jared with ditch spraying for one day.
- Completed the GIS centerlines for the CD #54 improvement project that was just completed.

#### **WCA:**

- Jared, Rhyon, and I surveyed some points along branch 8 of County Ditch #5 that will help us to determine the amount of cleanout in type 3 wetlands that will need to be mitigated through WCA. It had recently rained, and the temperature was cooler, so I estimated there were around 1,000 hungry mosquitoes per every square inch of air space while we were out there.
- DNR sent violation letters on an unpermitted public water cleanout in Yellow Bank township. Since the waterway travels through wetlands and per Lynda's recommendation, I sent letters to two landowners indicating WCA approval should be gained prior to future activity (in addition to watershed permits). Due to the likely re-sedimentation of the waterway and minimal spoil placement in wetland, no restoration work will be required, and the letters just served as a notice.

**OTHERS:** Landowner Ben Wollschlager met with the Board to discuss his WCA violation in sections 4 & 9 in Yellow Bank Township. He felt he was being picked on. Hastad reported that the violation in section 4, Yellow Bank Township had been resolved and he just needed to file his paperwork with the recorders office to get his property cleared. The violation in section 9, Yellow Bank Township was with the DNR and not from the Watershed Office and he would have to take it up with DNR. Discussion followed with no action being taken.

**TREASURER'S REPORT:** The Treasurer's report was read by Manager Andrew Weber.

David Craigmile motioned to approve the Treasurers report, seconded by John Cornell. Upon roll call vote, the motion passed 5-0.

Hastad asked for approval to pay the 1<sup>st</sup> payment for the Br 3 CD #4 improvement project for \$355,387.76 and asked to transfer funds from the Park deposit account until the County reimbursed the WS. Discussion followed. Hastad will wait a week or so prior to paying the bill to see if funds would come in from the County for the final reimbursement for the CD #54 improvement project as then she wouldn't need to do the transfer.

Manager Andrew Weber motioned to allow Hastad to transfer \$325,000 from the park deposit account to the UPB general account if needed until we get the reimbursement from LQP County, and then transfer back to the park deposit account, and approve payment to Ag Tech Drainage for \$355,387.76 , seconded by Manager John Cornell. Upon roll call vote, motion passed 5-0.

The following warrants were presented for approval:

Number Vendor Details 7/05/2022 to 08/02/2022

**General Klein Account:**

6206	A&C Excavating	final payment Del Clark Lake Sediment Ponds	\$11,573.85
6207	Andy Greiner/Bonnema Excavating	SSTS loan	\$10,835.00
6208	Houston Engineering, Inc	1WIP Consulting work	\$23,488.00
		<b>TOTAL</b>	<b>\$45,896.85</b>

**Park Expense Account:**

1515	LQP County Environmental Office	park cell phone	\$41.21
1516	Midwest Playscapes, Inc.	boarder timbers for playground	\$3,300.00
1517	Kockelman Construction Inc.	sand & class 2 gravel	\$1,116.03
1518	Running's Supply, Inc.	weather flex,garden hose,lawn fertilizer	\$120.18
1519	Canby Builders Supply	poly for slip-n-slide, sakrete, straw	\$1,487.35
1520	Larry Duis	landscape fabric for playground	\$919.12
1521	Frontier Communications	park phone, fax, internet	\$300.13
1522	Canby News, Inc.	walk-in-park ad – two weeks	\$56.00
1523	Canby Print Shop	flyers, 200 bag stuffers for walk in park	\$18.79
1524	C.A.S. Plumbing & Heating, Inc.	fix urinal, repair water line	\$1,575.84
1525	Lipinski Small Engine & Hardcore	v belt, B184Kevlar	\$110.11
1526	Ag Plus Cooperative	gas, LP tank rent, mower belt	\$238.79
1527	Canby True Value	paper towels, toilet paper, garbage bags etc	\$332.62
1528	Lyon-Lincoln Electric Cooperative	July park electricity	\$4,134.59
1529	Jim's Market	water, ice, for playground workers	\$37.01
1530	Olson Sanitation	park trash	\$1,685.97
		<b>TOTAL</b>	<b>\$15,473.74</b>

**UPB GENERAL ACCT:**

22100-22103	semi-monthly payroll	July 1-15 payroll	\$6,823.41
22104	Darrel Ellefson	per diem, mileage	\$420.21
22105	David Craigmile	per diem, mileage	\$225.50
22106	Andrew Weber	per diem, mileage	\$129.19
22107	John Cornell	per diem, mileage	\$186.28
22108	Michael Frank	per diem, mileage	\$140.44
4304	LQP Liability Acct	semi-monthly PERA	\$1,337.23
4305	LQP Liability Acct	Federal withholding	\$2,217.28
4306	MN Counties Insurance Trust	auto audit/ add'l vehicle expense	\$365.00
4307	Rinke Noonan Attorney	monthly retainer, CD #54, CD #42	\$7,156.50
4308	Houston Engineering	engineering work Br 3 CD #4	\$1,472.50
4309	Western Guard	3 week final hearing notice CD54	\$101.25
4310	MN Assn of Drainage Inspections	2022 Dues	\$50.00
4311	I&S Group	final CD 54 engineering work	\$2035.98
4312	U.S. Geological Survey	stream guage operation	\$3,290.00
4313	City of Madison	shop electricity garbage, sewer	\$124.40
4314	Canby News, Inc.	1 week job ads	\$160.00
4315	Clifton Larson Allen	2nd bill for '21 audit	\$2,100.00
4316	LQP County Auditor/Treasurer	July postage	\$57.22
4317	LQP Liability Acct	State withholding	\$927.00
4318	LQP County Auditor/Treasurer	Health insurance	\$5,888.46
22109-22112	semi-monthly payroll	July 16-31 payroll	\$6,823.42
22113-22117	monthly payroll	July park payroll	\$6,208.49
4319	LQP Liability Acct	monthly & semimonthly PERA	\$2,027.76
4320	Minnesota Revenue	July sales & use tax	\$783.00
4321	LQP Liability Acct	Federal withholding	\$3,799.76
		<b>TOTAL</b>	<b>\$54,850.28</b>

**DITCH ACCT**

**TOTALS-0-**

Andrew Weber motioned to approve the warrants as presented, seconded by John Cornell. Upon roll call vote, motion passed 5-0.

**Secretary's Report:** Trudy Hastad reviewed Secretary report #629 as mailed.

Manager Michael Frank motioned to approve meeting minutes #629 as mailed, seconded by Manager David Craigmile. Upon roll call vote, motion passed 5-0.

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

- The office remodel was moving along with both walls knocked out. Starting to think about room set-up for desks and working with some vendors on desk quotes.
- Attorney Haugen contacted Derek Stoks regarding pasture rent and the Watershed received another \$15,000 payment.
- Discussed the Corey Hoffman pasture lease where he planted corn & soybeans. Hastad will try and get ahold of him to attend next meeting.
- Reviewed the Canby Creek NRCS dam inspection report.
- Briefly discussed the Br 3 CD #4 improvement project and the CD #42 project. No actions taken.
- Reviewed the applications received for the Drainage Support Specialist and the Solid Waste Specialist. The Board felt they were qualified candidates and instructed Hastad to set interviews for Thursday, August 4, 2022 at 3:00 and 4:00 p.m.
- Reviewed the proposed 2023 budget and the mid-year 2022 budget. When the proposed budget printed, everything moved a line so Hastad was going to clean this up for the board and send to them prior to next meeting. Continued to review the budget numbers. Hastad reminded the Board of the Board of the \$250,000 limit set by statute. Discussion followed.

Manager David Craigmile motioned to set the 2023 budget at \$250,000 with an additional \$40,000 for project expense for a total of \$290,000, seconded by Manager Andrew Weber. Upon roll call vote, motion passed 5-0.

Manager Andrew Weber motioned to set the 2023 budget hearing for Tuesday, September 6, 2022 at 5:30 p.m., seconded by Manager John Cornell. Upon roll call vote, motion passed 5-0.

- Hastad will get ads to the paper for the budget hearing.
- Hastad said we may need to do a couple ditch assessments also for 2023 and will send to the manager in the mail prior to the final hearing.

PERMITS- The following permit applications were applied for:

13688	Beecher Farms	OshKosh, 11	seepage, main tile	08/02/22 MF
13689	Mike Beecher	OshKosh, 15	seepage, main tile, intakes	08/02/22 MF
13690	Richard Berglund	Cerro Gordo, 31	seepage, main tile, intakes	08/02/22 DE
13691	Richard Berglund	Cerro Gordo, 33	seepage lines	08/02/22 DE
13692	Brian Beutler	Manfred, 15	seepage, main tile	08/02/22 DE
13693 Renew	13441 Aaron Brehmer	Perry, 22	seepage, main tile, intakes	08/02/22 DE
13694	Call Family Farms	Cerro Gordo, 18	seepage, main tile, pump	08/02/22 DE
13695	Joe Ferguson	Hammer, 33	seepage, main tile	08/02/22 MF
13696	Gary Goplen	Florida, 25	seepage, main tile	08/02/22 MF
13697	Eldon Haas	Manfred, 2	main tile	08/02/22 DE
13698	Steve Haas	Madison, 10	seepage, main tile	08/02/22 DE
13699	Steve Haas	Madison, 5	seepage lines	08/02/22 DE
13700	Letrud Farms, Inc	Lake Shore N, 28	seepage lines	08/02/22 DE
13701	Letrud Farms, Inc	Lake Shore N, 33	seepage, main tile, intakes	08/02/22 DE
13702 Renew	13479 Letrud Farms Inc	Lake Shore N, 21 & 28	seepage, main tile, intakes,	08/02/22 DE
13703	Ervin Kostad	Riverside, 17	seepage, main tile, intakes culvert	08/02/22 DE
13704	Adam Lund	Providence, 32	seepage, main tile	08/02/22 DC
13705	Darin Lund	Cerro Gordo, 2	seepage, main tile	08/02/22 DE
13706	Shane Milbrandt	Mehurin, 4 & 9	cleaning ditch	08/02/22 DE
13707	Shane Milbrandt	Mehurin, 17	cleaning ditch	08/02/22 DE
13708	Shane Milbrandt	Manfred, 8	cleaning ditch	08/02/22 DE
13709	Tom Milbrandt	Manfred, 11	cleaning ditch	08/02/22 DE
13710	Tom Milbrandt	Mehurin, 34	cleaning ditch	08/02/22 DE
13711	Tom Milbrandt	Mehurin, 34	cleaning ditch	08/02/22 DE
13712	Tom Milbrandt	Mehurin, 26	cleaning ditch	08/02/22 DE
13713 Renew	13368 Gary Peterson	Hammer, 33	seepage, main tile	08/02/22 MF
13714	Glenn Radermacher	Perry, 29	seepage lines	08/02/22 DE
13715	Jeff Rheingans	Lake Shore S, 10 & 11	seepage, main tile, intakes	08/02/22 DE
13716	Elsie Risacher	Omro, 6	seepage, main tile, intake, terrace	08/02/22 MF
13717	Mark Roisen	Lac qui Parle, 28	culvert replacement	08/02/22 DE
13718	Edward Shelstad	Arena, 7	seepage, main tile	08/02/22 DE
13719	Edward Shelstad	Lake Shore S, 31	seepage, main tile	08/02/22 DE

13720	Kaleb Steele	Fortier, 16	seepage, main tile	08/02/22 MF
13721	Kaleb Steele	Fortier, 5	seepage, main tile	08/02/22 MF
13722	Sean Vaala	Madison, 23	seepage, main tile	08/02/22 DE
13723	Sean Vaala	Cerro Gordo, 18	seepage, main tile, pump	08/02/22 DE
13724	Curtis Wildung	Mehurin, 4 & 9	seepage, main tile	08/02/22 DE
13725	Zach Johnson	Camp Release, 31	seepage, main tile	08/02/22 DC

Permits Denied: Zach Johnson for wetland review.

Manager David Craigmile motioned to approve the permits except Zach Johnson for wetland review, seconded by Manager Michael Frank. Upon roll call vote, motion passed 5-0.

Meeting adjourned at 6:50 p.m.

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Darrel Ellefson, Chairman

Attest:

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David Craigmile, Secretary

Minutes prepared by Hast

The next regularly scheduled meeting of the Lac qui Parle-Yellow Bank Watershed District is Tuesday, September 6, 2022 at 4:30 p.m. in the LQP County Annex.