Heron Lake Watershed District (HLWD)
Regular Meeting
December 19, 2019

1. **Call to Order**
   Bruce Leinen called the meeting to order at 9:00 a.m.
   Managers present: Harvey Kruger, Bruce Leinen, Jim Buschena, Wayne Rasche, and Mark Bartosh
   Staff: Jan Voit and Catherine Wegehaupt
   Others present: John Shea, Nobles Soil and Water Conservation District (SWCD); Jim Eigenberg, Jackson County; Dave Thiner, Murray County

2. **Agenda**
   Harvey Kruger made a motion to approve the agenda. Jim Buschena seconded this. Motion carried unanimously.

3. **Minutes**
   Harvey Kruger made a motion to approve the minutes of the November 19 regular meeting and December 2 special meeting. Wayne Rasche seconded this. Motion carried unanimously.

4. **Treasurer’s Report and Bill Payment**
   Jan Voit presented the treasurer’s report and bills payable. Jim Buschena made a motion to approve the treasurer’s report and pay bills. Wayne Rasche seconded this. Motion carried unanimously.

5. **Lawns to Legumes Grant Application**
   Catherine Wegehaupt explained the proposed Lawns to Legumes grant application. The project will be a joint effort between HLWD, Jackson SWCD, and Cottonwood SWCD to install pollinator plots in residential areas. Cottonwood will be the lead partner.

   Discussion was held regarding costs. Landowner labor can be used as match, rather than cash. Partners believe that the landowner should have some financial responsibility so they have ownership of the project. The budget was figured with a 90 percent cost-share and 10 percent landowner match. Outside the priority area, the match requirement is 25 percent.

   Discussion was held regarding eligible areas. There is only one priority area within southwest Minnesota. That is the area of focus. It contains the cities of Windom, Jackson, Lakefield, Heron Lake, and Wilder. The prioritization is not being done locally. The priority area is identified in the grant application. The focus is on residential areas within the cities in the priority area.

   Discussion was held regarding environmental benefits. The grant focuses on pollinator habitat - trees and shrubs, pollinator lawns, or pollinator meadows. All plantings will be aimed at increasing the populations of rusty patched bumble bees and other at-risk pollinators. Native plantings will be done, which will help with water quality.

   Discussion was held regarding grant funding. Most of the priority locations identified are within the five-county metro area. There is only one area within southwest Minnesota. That is the focus area for this application. The money has been allocated by the legislature. The only way to access the funds is to submit an application and hope that the project ranks high enough for funding.

   Discussion was held about available funds. This program was created by the legislature during the last legislative session to focus on pollinator habitat. The maximum amount that would be awarded per project is $40,000. It was suggested that the application budget should ask for the maximum. It would be detrimental to turn residents away if there is a lot of interest. There was also some concern because this is a pilot program. Partners didn’t know for sure how much could get done.
Harvey Kruger made a motion to authorize HLWD staff to proceed with the Lawns to Legumes grant application in partnership with Jackson SWCD and Cottonwood SWCD. Jim Buschena seconded this. If funds are allocated and not all of them are used, the remainder will be returned to the State of Minnesota. Motion carried unanimously.

6. **Jackson County Ditch (CD) 3 Bid Package 2 Change Order #2**  
Jan Voit provided an update regarding Change Order #2. It is for extra work for Dirt Merchant, Inc. (DMI) to relocate a rural water line that was encountered at the 36” boring on CD 3. I+S Group (ISG) has informed the HLWD that the price is very reasonable so they authorized DMI to do the work. ISG’s inspectors have verified the rest of the boring locations and believe there will be no additional water lines to move. Jackson County Public Works is responsible for this cost, not the CD 3 landowners. Bruce Leinen made a motion to approve Jackson CD 3 Bid Package 2 Change Order #2. Wayne Rasche seconded this. Motion carried unanimously.

7. **Environmental Fair Funding Request**  
Jan Voit explained that the HLWD donated $250 to this event in 2016 and in 2018. Schools from the HLWD watershed have attended in the past. Jim Buschena made a motion to contribute $250 to the Environmental Fair. Harvey Kruger seconded this. Motion carried unanimously.

8. **Recording Equipment**  
Jan Voit reported that at the November meeting, discussion was held regarding the possibility of purchasing additional equipment to record and transcribe board meeting minutes. Prices for software and equipment were found online. Statutory requirements for meeting minutes were provided.

- Section 103D.315, subd. 5 (Watershed Act) requires that the managers must keep efficient records of all proceedings, minutes, certificates, contracts, bonds of the board's employees, and all other business transacted or action taken by the managers. The records must be open to inspection by the property owners within the watershed district and all other interested parties at all reasonable times.
- Section 13D.01, subd. 4 (Open Meeting Law) requires that the district keep a journal of all votes taken, and that this journal must be always accessible to the public during business hours.

There is no requirement to record open meetings, only those that are closed for performance reviews or otherwise required by statute.

Discussion was held regarding the minutes. Jim Buschena stated that the minutes are well done by the District Administrator and reviewed by Harvey Kruger. There is not a need to record them. Discussion was held regarding the minimum information that is required by statute.

Discussion was held regarding backup. Wayne Rasche said the City of Heron Lake lost all of the information they had and it was backed up on the cloud. Jan Voit stated that the HLWD does not have a cloud or a server. Everything is backed up on an external hard drive. A larger external hard drive was purchased a couple years ago.

Discussion was held regarding the length of time recordings are kept. For a closed session, they must be kept for three years. The open meetings could be recorded and used to prepare the minutes and then be erased.

Discussion was held regarding the funds that the Board is handling. Mark Bartosh said that it is not a question of whether the District Administrator is doing a good job. It is about making sure that there are no repercussions of the accuracy of the data. He researched video and audio recording equipment. He also looked into hand-held digital audio recorder that does transcription. He
believes it is important to record meetings. He referenced that he tried to take notes when Bruce Sellers read the chronological history during the Judicial Ditch 3 preliminary hearing. It was impossible to keep up with what Mr. Sellers was reading. Jan Voit explained that the chronological history was not required to be verbatim in the minutes. The history Mr. Sellers read was a document that she created. It is a file that the HLWD has access to and that is updated throughout the project. It will be included as a part of the hearing record.

Discussion was held regarding the current practice for taking minutes. Jim Buschena said that the District Administrator types notes during the meeting and keeps track of the discussion. Mark Bartosh said that she has to absorb and learn the information discussed, too. The minutes are not verbatim. There might be a time when that could be important.

Discussion was held regarding the possibility of recording meetings. Bruce Leinen said that maybe the meetings could be recorded if there is a large project involved. But, if they are not archived, he didn’t know what difference it would make. Wayne Rasche stated that recordings may be archived if there were questionable discussion items. Bruce Leinen thought that this was less about recording equipment and more about a policy of what meetings the Board may want to record. That is something that could be decided at a later date.

Discussion was held regarding the cost of recording devices. Harvey Kruger asked if any of them would be better than what the Board already has.

Mark Bartosh asked the District Administrator her opinion. Jan Voit responded that the recording device that the HLWD has now works very well. Rather than having to play the recording to transfer it to the laptop, she can copy the file from the recorder and paste it into a file. She gave an example of the recording of the JD 3 preliminary hearing. She typed notes during the hearing and then used the recording to fill in areas where questions arose. She did not see a need to spend money to buy additional recording devices.

Bruce Leinen did not believe that archiving every meeting would be needed. Drainage proceedings are different. Managers look over the minutes each month. If there is something that isn’t accurate or if there is a question, that is brought up before action is taken.

Wayne Rasche said that he was impressed by how much information the District Administrator includes in the minutes. He asked if she felt there were times when a recording of the monthly meetings was necessary. Jan Voit responded that in all the time she has taken minutes she has not felt that she needed a recording of the monthly meetings to ensure accuracy.

Bruce Leinen said that he liked the discussion that was held regarding this topic. He thought the way minutes were done now is accurate. They cover the high points and allow the managers to refresh themselves on how votes were taken.

Mark Bartosh made a motion to table a decision regarding recording equipment for a date in the future. Harvey Kruger seconded this. Motion carried unanimously.

9. Reports
   District Administrator
   Jan Voit reported on the letters to auditing firms, December 2 special meeting. MAWA meeting, pre-conference workshops, MAWD Annual Meeting, HLWD Project 2, Jackson County JD 44, LSOHC, and CD 3.

Mark Bartosh mentioned that the Board had passed a motion to continue to meet with Jackson County regarding bonding. Jan Voit reached out to Steve Duncan, Jackson County Coordinator. He responded that Jackson County would be willing to meet in January, but only if commissioners
from Murray and Nobles were included. Discussion was held regarding why other counties would need to be at the table when the issue is with bonding for CD 3.

Watershed Technician
Catherine Wegehaupt provided an update on water sampling data for 2019, the HLWD five-year cover crop program, cover crop winter workshop, Minnesota Department of Agriculture grant annual report, Minnesota Conservation Corps grant application, Seward 29 project funding from Nobles SWCD, and the Schindler pond cleanout.

Discussion was held regarding the Schindler pond cleanout. No bids were received. Two contractors expressed interest. Kenny Williams would like to submit a bid, but could not get it done by the December deadline. Cost-share funds have been secured from Murray County, Murray SWCD and Fulda Game and Fish – about $12,000. Discussion was held regarding places to put the spoil and the need for a long-reach excavator. Catherine Wegehaupt will send bid packets again. The deadline will be the day before the HLWD’s February meeting. The contractors for the CD 3 project will be added to the list if they are not already included.

10. Adjournment
The meeting adjourned at 9:49 a.m.

[Signature]
Harvey Kruger
Secretary