Heron Lake Watershed District (HLWD)
Regular Meeting
January 15, 2020

1. Call to Order
   Bruce Leinen called the meeting to order at 9:00 a.m.
   Managers present: Wayne Rasche, Jim Buschena, Harvey Kruger, Bruce Leinen, and Mark Bartosh
   Staff: Jan Voit and Catherine Wegehaupt
   Others present: Justin Ahlers and Matt Widboom, Nobles County and Jim Eigenberg, Jackson County

2. Agenda
   Bruce Leinen made a motion to approve the agenda. Harvey Kruger seconded this. Motion carried unanimously.

3. Quarterly Meeting with Commissioners
   Scott McClure was elected chairman and Jim Eigenberg was elected vice chairman. The Jackson County board met with Senator Rosen to discuss legislative issues. Senator Guenther is retiring after this year.
   Justin Ahlers thanked Jim Buschena for his years of service to the HLWD. Justin was elected chairman of the Nobles County board. Gene Metz was elected vice chairman. Justin was also appointed to serve on the Des Moines River (DMR) One Watershed One Plan (1W1P).
   Representative Hamilton called Harvey Kruger about the HLWD's resolutions for increased general operating levy and bonding. He was informed that Representative Hamilton was attempting to put together a meeting with one board member and administrator for each county of the four counties and the HLWD. The intent is to have an informal conversation to understand issues facing the HLWD and the affected counties. The meeting will be at the HLWD office on February 3.

4. Minutes
   Harvey Kruger made a motion to approve the minutes of the Jackson County Judicial Ditch (JD) 3 Preliminary Hearing and the December 19 regular meeting. Wayne Rasche seconded this. Motion carried unanimously.

5. Treasurer's Report and Bill Payment
   Jan Voit presented the treasurer's report and bills payable. Discussion was held regarding viewers association membership. Discussion was also held regarding the HLWD Savings Account and the relationship with Currie State Bank (CSB).
   Mark Bartosh made a motion to move the HLWD Savings Account to CSB and to honor the terms of the agreement. Jim Buschena seconded. Motion carried unanimously.
   Jim Buschena made a motion to approve the treasurer's report, removing the payment to the Minnesota Viewers Association, and pay bills. Wayne Rasche seconded this. Motion carried unanimously.

6. Order for Continued Proceedings for JD 3
   Harvey Kruger made a motion to approve the Order for Continued Proceedings for JD 3. Jim Buschena seconded this. Motion carried unanimously. The Order will be included as an attachment to the minutes.
7. **Order Authorizing Detailed Survey and Report for JD 3**

Wayne Rasche expressed concern about the lack of detail in the invoices from I+S Group (ISG). Discussion was held regarding ISG inspectors presence at the Jackson County Ditch 3 job site. Managers have observed that the inspectors are there early in the morning and into the evening. The inspectors have also said that they are more than happy to answer any questions the Board may have. The District Administrator will contact ISG and ask that the invoices contain more specifics to ensure accountability for work done. Wayne Rasche made a motion to approve the Order Authorizing Detailed Survey and Report for JD 3. Harvey Kruger seconded this. Motion carried unanimously. The Order will be included as an attachment to the minutes.

8. **Order Appointing Viewers for JD 3**

Harvey Kruger made a motion to approve the Order Appointing Viewers for JD 3. Wayne Rasche seconded this. Motion carried unanimously. The Order will be included as an attachment to the minutes.

9. **Annual Information**

Jan Voit explained the annual information. Discussion was held regarding the auditing firms. Mark Bartosh made a motion to resend the request for proposals and have them be due before the February meeting. Harvey Kruger seconded this. Motion carried unanimously.

Discussion was held regarding the meeting schedule and times. Changes can be made if conflicts arise. The schedule will be discussed again when the new board member takes office.

Jim Buschena made a motion to approve the following annual information:

- Tentative schedule for regular meetings: third Wednesday of each month December through April at 9 a.m.; third Tuesday of each month May through August at 8 p.m.; and September through November at 7:00 p.m. The location shall be the HLWD office at 1003 3rd Avenue, Heron Lake. (Changes to the monthly meeting date will be made if scheduling conflicts arise.)
- Manager compensations shall remain $75 per day limit, $75 per regular meeting, special meeting, and committee meeting; $12 per hour basis, and mileage to match the Internal Revenue Service allowable rate.
- Official newspaper shall be Tri County News, 931 2nd Avenue, Heron Lake.
- Data practices officer shall be Jan Voit, HLWD Administrator.
- Personnel committee members shall be Wayne Rasche and Bruce Leinen.
- Legal counsel shall be Louis Smith, Smith Partners, PLLP.
- Annual audit shall be conducted by Dreelan, Kvilhaug, Hoefker & Co, P.A.
- Depositories shall remain First National Bank, Lakefield Savings Bank, and Bank of the West, Lakefield; Currie State Bank, Okabena; First National Bank and Fulda Area Credit Union, Fulda; Security State Bank, Heron Lake; United Prairie Bank, Wilmont; and Rolling Hills Bank & Trust, Brewster.

Bruce Leinen seconded this. Mark Bartosh expressed concern regarding a comment that he heard Louis Smith make following a meeting in February of last year. The comment was about the HLWD being drainage authority. It was his feeling that the comment was personal, not a legal opinion and that any comments made by legal counsel should only be legal opinions. It was also his opinion that HLWD residents should determine which entity is a drainage authority. Bruce Leinen mentioned that there have been many conversations over the last year about this subject and that drainage law dictates the entity that is a drainage authority.
Discussion was held regarding the process that was undertaken when Mike Tow retired as HLWD legal counsel. Three firms were interviewed from locations in St. Cloud, Blue Earth, and Minneapolis. The need for understanding drainage law, proximity, and cost were considered. The decision to hire Louis Smith was unanimous. Discussion was held regarding the length of time a firm should serve as legal counsel before other firms are considered. Mike Tow served as HLWD legal counsel for 25 years. No other firms were contemplated until he retired. As was the case when Mr. Tow was legal counsel, the agreement for legal services can be terminated at any time by either party.

Discussion was held regarding the items listed in the annual information. Mark Bartosh felt that they should be addressed individually. He made a motion to remove the line stating the annual audit shall be conducted by Drealan, Kvilhaug, Hoefker & Co., P.A. (DKH & Co.) from the original motion. Harvey Kruger seconded this. Motion carried unanimously.


Mark Bartosh made a motion to address all of the annual information items individually in 2021. Wayne Rasche seconded this. Motion carried unanimously.

10. Grant Authorization
In early 2019, the Board Conservationist for the Board of Water and Soil Resources (BWSR) informed Jan Voit that BWSR requires board action to allow her to administer the Clean Water Fund (CWF) grant. At the January 2019 meeting, the Board approved a motion for not only the CWF grant, but for all grants and potential grants for the coming year. The language from the 2019 motion has been updated to reflect known 2020 grant awards.

Bruce Leinen moved the following: The Board of Managers (Board) of the HLWD authorizes Jan Voit to enter into contracts for grants with the BWSR, Minnesota Pollution Control Agency (MPCA), Department of Natural Resources (DNR), Lessard-Sams Outdoor Heritage Council (LSOCHC), or other granting entities. The Board also authorizes Jan Voit to perform administrative duties related to the operation of these grants as required by the contract(s) and work plan(s). Harvey Kruger seconded this. Motion carried unanimously.

11. Order Appointing Advisory Committee Members
Jan Voit explained that Julie Lopez has requested to be removed from the Advisory Committee due to other commitments. The Advisory Committee will be seeking a Nobles County landowner as a replacement.

Wayne Rasche made a motion to approve the Order Appointing Advisory Committee Members. Harvey Kruger seconded this. Motion carried unanimously. The Order will be included as an attachment to the minutes.

12. HLWD Policies Handbook
Jan Voit explained that the dates have been changed to reflect 2020 and the billing rate has been updated. Harvey Kruger made a motion to approve the HLWD Policies Handbook. Jim Buschena seconded this. In favor: Buschena, Kruger, Leinen, and Rasche. Opposed: Bartosh. Motion carried.

13. HLWD Personnel Policy
Jan Voit explained that the dates were changed to reflect 2020. No other changes were made. Harvey Kruger made a motion to approve the HLWD Personnel Policy. Wayne Rasche seconded this. Mark Bartosh said that he wanted the Board to review the HLWD Policies Handbook and the

14. Manager and Staff Orientation
Jan Voit explained the Manager and Staff Orientation document. This document is updated throughout the year to reflect all HLWD activities.

15. Watershed Technician Laptop Computer
The laptop is six years old and outdated. At the beginning of January she was going to use ArcGIS. It no longer works on the computer. Storage is getting low. New laptop information was provided to the Board. Wayne Rasche asked if the computer was used for Soil and Water Conservation District (SWCD) work or just for the HLWD. It is strictly a HLWD computer. Harvey Kruger asked if the laptop could be upgraded. That may be a possibility, but it would still be an old computer and may not have additional storage capacity. Someone with computer experience would have to be hired to do an upgrade, which could be costly. Bruce Leinen asked if Computer Lodge was informed about the programs that need to run on the computer, as well as the storage requirements. Catherine Wegehaupt had that discussion with Computer Lodge employees. The price quote is based on those needs.

Justin Ahlers stated that Nobles County leases all their computers. Leasing is better than purchasing. Matt Widboom suggested that it may be possible for Nobles County to include the HLWD in the computer lease agreement. The advantage of leasing is quantity and being part of the county’s buying power. Mark Bartosh explained an issue that he had with a computer he recently purchase. He thought leasing may be a better option. He did not think the cost for the laptop was out of line. Catherine Wegehaupt will check with Nobles County staff regarding the lease option.

16. Reports

District Administrator
Jan Voit reported on the request for auditing services, Understanding Minnesota Public Drainage Law update, DMR 1W1P, annual reports, annual information, financial information, winter workshop, and the HLWD’s upcoming 50th anniversary.

Discussion was held regarding the DMR 1W1P. The Local Work Group is recommending that Jackson SWCD serve as the fiscal agent at no charge to the grant. Work has begun on a draft application. The Memorandum of Agreement (MOA) was sent to HLWD legal counsel for review. Those comments were sent to Murray County. Once all of the entities have provided comments from legal counsel, the MOA will be distributed again for review.

The Policy Committee will likely hold its first meeting in April after the request for proposals has been received. Mark Bartosh will serve as the delegate. Bruce Leinen will serve as the alternate.

Discussion was held regarding the competitive nature of the upcoming grant round and project partners’ past experience with other 1W1P efforts.

Watershed Technician
Catherine Wegehaupt provided an update on the HLWD’s Five-Year Cover Crop Program, winter workshop, Minnesota Department of Agriculture grant, summer interns, Lawns to Legumes grant application, and Schindler’s Pond.

Discussion held regarding summer interns. In 2019, the original intent was to hire two interns. Catherine Wegehaupt spent a lot more time with last year’s intern. Lake sampling needed to be done last summer and that could not be done with one person. The work has been getting done
with one intern. There will be less sampling to do this year without having lakes in the rotation. Going through the Minnesota Conservation Corps (MCC) was definitely worthwhile.

Mark Bartosh made a motion to submit an application to MCC to hire one intern. Wayne Rasche seconded this. Motion carried unanimously.

17. **Adjournment**
   The meeting adjourned at 10:11 a.m.

[Signature]

Harvey Kruger
Secretary