

Heron Lake Watershed District (HLWD)

Regular Meeting

June 17, 2020

1. **Call to Order**

Wayne Rasche called the meeting to order at 8:30 a.m. Pursuant to Minnesota Statutes § 13D.021, subdivision 1, due to the COVID-19 pandemic, the HLWD meeting was held by teleconference. All managers attended in person, while others participated either in person or by Microsoft Teams.

Managers present: Wayne Rasche, Bruce Leinen, Mark Bartosh, and Cory Reith

Manager absent: Harvey Kruger

Staff: Jan Voit and Catherine Wegehaupt

Others present: Jacob Rischmiller and Chuck Brandel, ISG; Jim Eigenberg, Jackson County; Justin Ahlers, Nobles County; Kevin Stevens, Cottonwood County; and Roger and Sandy Hartman

2. **Agenda**

Bruce Leinen made a motion to approve the agenda. Wayne Rasche seconded this. Motion carried unanimously.

3. **Updates on Jackson County Judicial Ditch (JD) 19 , JD 3, and County Ditch (CD) 3**

Chuck Brandel reported that on June 16 Svoboda Excavating finished all of the work on JD 19 except the final seeding. Berms in the wetland are in place. Dave Macek, Jackson County Ditch Inspector looked at berm along the county highway. Televising can now be done. There are some areas where intakes will be lowered after harvest. There may be some minor work for fall cleanup. ISG is developing a punch list of final items. The project is substantially complete. The farmers should be able to get all their fields planted.

Mr. Brandel provided an update on Jackson County JD 3. Soil borings were done by Gale-Tec Engineering, Inc. The outlet of the JD 3 system has had a lot of erosion. Soil borings were necessary to determine poor soil locations. This was done to ensure that grading and stabilization are done correctly for the system. ISG received three proposals for the project. Gale-Tec Engineering, Inc. were the least expensive and could do it the fastest.

Chuck Brandel also informed the board that LooCon, Inc. has started construction on Jackson CD 3. Initial work has been televised. Inspectors report that the grade is about as smooth as any of them have ever seen. Work is going well.

4. **Minutes**

Bruce Leinen made a motion to approve the minutes of the May 20 regular meeting and the Jackson County JD 14 Final Hearing. Cory Reith seconded this. Motion carried unanimously.

5. **Treasurer's Report**

Jan Voit presented the treasurer's report and bills payable. Mark Bartosh made a motion to approve the treasurer's report and pay the bills. Wayne Rasche seconded this. Motion carried unanimously.

6. **2019 Audit and Management Letter**

Cory Reith made a motion to approve the 2019 audit and authorize the HLWD President and Secretary to sign the management letter. Bruce Leinen seconded this. Motion carried unanimously.

7. Order and Notice of Public Hearing – Jackson County JD 36

Jan Voit explained that the preliminary report for JD 36 was filed on March 30. According to statute, the final hearing must be held not more than 30 days of the approval of the Preliminary Hearing Notice. She also explained that the hearing date was chosen by coordinating with the engineer and legal counsels. The hearing is scheduled for July 9 at 10:00 am.

Bruce Leinen noted that he would be out of town on July 8 and 9. If only three managers are present, the hearing can still be held.

Bruce Leinen made a motion to approve the Order and Notice of Public Hearing for Jackson County JD 36. Cory Reith seconded this. Motion carried unanimously.

8. Order and Notice of Public Hearing – HLWD Project 2 Reestablishment of Records (ROR)

Jan Voit explained that the ROR report was filed on May 1. She also explained that the hearing date was chosen by coordinating with the engineer and legal counsel. The hearing is scheduled for July 9 at 1:00 p.m. The hearing will be done by Microsoft Teams and in person.

Mark Bartosh made a motion to approve the Order and Notice of Public Hearing on the HLWD Project 2 ROR. Wayne Rasche seconded this. Motion carried unanimously.

9. Resolution Designating Project Representative for Heron Lake Phosphorus Reduction Project 3

Jan Voit explained that the resolution designates her as the project representative for all matters that do not specifically require action by the HLWD Board. The resolution is required before the loan agreement can be executed. She explained the application and financing process for the loan program.

Bruce Leinen made a motion to approve the Resolution Designating Project Representative for Heron Lake Phosphorus Reduction Project 3. Cory Reith seconded this. Motion carried unanimously.

10. Resolution Authorizing the HLWD to Borrow Funds from the Minnesota Pollution Control Agency (MPCA)

Jan Voit explained that in order to borrow money from the State of Minnesota, a general obligation promissory note is required to borrow money from the MPCA. On June 4, she spoke with Cathy Nutzmann, Dorsey & Whitney LLP regarding the loan program. This firm served as bond counsel for previous loans.

Mark Bartosh made a motion to approve the Resolution Authorizing the HLWD to Borrow Funds from the MPCA. Bruce Leinen seconded this. Discussion was held regarding the fee for bond counsel. Although she did not look into past records, Jan Voit believed the fee was similar to those for previous loans. Motion carried unanimously.

11. General Obligation Note (MPCA)

Jan Voit explained that the general obligation note will be for \$900,000, which will cover two loan period funding rounds. Wayne Rasche made a motion to approve the General Obligation Note. Mark Bartosh seconded this. Motion carried unanimously.

12. COVID-19 Response and Preparedness Plan

Louis Smith provided Jan Voit with information regarding the HLWD's requirement for a Preparedness Plan. Based on the template, a document was drafted and sent to Mr. Smith for review. After speaking with him, the document was revised and additional documents were provided. The documents were emailed to managers on June 16.

Wayne Rasche made a motion to approve the COVID-19 Response and Preparedness Plan, Inform COVID-19 Workplace Exposure policy, and the Temporary Paid Leave COVID-19 policy. Bruce Leinen seconded this. Motion carried unanimously.

13. Intern Truck Repair

Estimates for repair of the intern truck were provided in the meeting packet. The estimate from Graham Tire was \$929.41. The estimate from RAD Design Body Shop & Mechanics was \$775.78 plus an additional \$80 for an alignment. Discussion was held regarding the miles on the truck, whether to fix or replace it, if it is used by the intern every day, wear on the tires if the repair is not done, and that the price from RAD Design is lower, even with the extra cost of the alignment. Discussion was also held regarding the possibility of requesting information from the counties regarding vehicles they may be trading.

Mark Bartosh made a motion to accept the estimate from RAD Design to repair the truck and get it aligned. Bruce Leinen seconded this. Motion carried unanimously.

14. Reports

District Administrator

Jan Voit reported on the Des Moines River One Watershed One Plan application, Department of Natural Resources flow monitoring contract, Heron Lake Phosphorus Reduction Project 3, past loan projects, JD 3 landowner meeting, JD 14 final hearing, data request from Clyde Burmeister, COVID-19 Preparedness Plan, current and pending drainage projects, and the Des Moines River Basin Total Maximum Daily Load Stakeholders' meeting.

Discussion was held regarding the following items.

- Drainage systems in the HLWD. There are 21 systems in Jackson County within the HLWD that were identified in the HLWD's establishment petition. Information on what systems had been improved or had redetermination of benefits completed was not known.
- Capital improvement plan. A list of the HLWD's current and pending drainage projects was created. The information was sent to Chuck Brandel, Jacob Rischmiller, Bruce Sellers, and Louis Smith. A request was made for updated cost information. Because the HLWD does not know about a project until a petition is submitted, a request was also made for potential costs of future projects. It is not known if the engineers or legal counsels would have this information. It will be difficult to determine future projects and potential risks. This will be a topic of discussion when the liaison meeting is held.
- Letter from the Board of Water and Soil Resources (BWSR). It was one manager's opinion that these were BWSR's thoughts and that the letter was just their opinion. BWSR can only make a judgment on water policy and deferred a response to the attorney general and the courts. They also recommended that Jackson County and the HLWD come to an agreement to move forward.
- Framework for Collaboration in Drainage Management.
 - Having the county continue to do repairs and maintenance seems workable. That agreement is already in place.
 - The framework provides a starting point for discussion. We need to keep this moving.
 - The HLWD need to make sure we can keep our ability to do conservation, work in partnership, create retention and holding projects, and maintain or reduce flows.
 - The framework has been drafted by legal counsel. It is time for the county, HLWD representatives, and legal counsels to meet and discuss this.

Bruce Leinen made a motion to approve the septic system loan application for James and Robin Gehl contingent upon providing the required documentation. Wayne Rasche seconded this. Motion carried unanimously.

Watershed Technician

Catherine Wegehaupt gave a report on water sampling, Minnesota Department of Agriculture Soil Health Research grant sampling and the upcoming field day, Minnesota Conservation Corps (MCC) grant, spot spraying on Seward 29, Seward 21 bridge inspection, summer intern, Cottonwood, Jackson, and Heron Lake Pollinator Partnership projects, JBS freezer addition, and Fulda pond clean out.

Discussion was held regarding the Fulda pond cleanout. The MCC crew was supposed to assist with tree removal along the road. Because they are not working due to COVID-19, it is not known if the tree removal will happen in 2020. If they are not able to work at all, it is hoped that an application will be funded to get the crew to do work in the HLWD in 2021.

Discussion was held regarding the structure on the HLWD property in Section 21 of Seward Township. An inspection was done in 2013. It was reported that there was a little cracking on the north end of the box culvert and the wall has sifted one or two inches on the top. This year's report indicated more shifting and cracking in the structure. It is not dangerous to drive on it. If the structure were to be built now, it would have been designed differently. The cement would definitely be thicker.

A question was asked about the property the HLWD owns in Section 26 of Bondin Township. That is a wetland restoration and upland habitat on a Reinvest In Minnesota parcel.

15. Adjournment

The meeting adjourned at 9:39 a.m.

Cory Reith
Acting Secretary

