



Yellow Medicine River Watershed District

122 N Jefferson St | P.O. Box 267 | Minneota MN 56264-0267
admin@ymrwd.org | (507) 872-6720 | www.ymrwd.org

Regular Meeting Minutes April 13, 2019

Call to Order

The meeting was called to order by President Tim Dritz at 9:00 a.m. at the Yellow Medicine River Watershed District (YMRWD) Office at 122 North Jefferson Street in Minneota, MN.

Managers present: President Tim Dritz
Vice President John Boulton
Secretary Elmo Volstad
Treasurer Tim Buysse
Public Relations Bill Briggs

Others present: Michelle Overholser, YMRWD Administrator
Mike Luke, YMRWD Project Assistant
Gary Lalemen
Gary Crowley

Set Agenda

Boulton moved to approve the agenda as presented. Briggs seconded. Motion passed 4-0.

Approval of Past Meeting Minutes (March 8, 2019)

Minutes were reviewed and approved.

Buysse moved to approve the minutes. Boulton seconded. Motion passed 4-0

Treasurer's Report

Overholser presented the following reports:

- Profit and Loss Report
- Warrants Paid

Net Income = \$-17,179.43
Total Expenses = \$17207.64

Outstanding warrants to be paid:

- Century Tel
- ESRI
- League of MN Cities
- Net Point
- One Office Solution
- Lyon SWCD
- Tom Barber
- Jim Wambeke
- Payroll/PerDiems
- Payroll Liabilities
- Board and Staff

Phone/Internet=\$128.04
AcrGIS=\$429.50
Insurance=\$4468.00
Web Hosting=\$8.95
Copier & Paper=\$13.00
Environmental Fair Donation=\$250.00
Beaver Control=\$210.00
Rent=\$700.00
Salaries/periderms=\$6283.71
Taxes/Benefits/Retirement=\$3332.04
Mileage/expenses=\$1384.40

Boulton moved to pay the warrants and approve the treasurer's report. Briggs seconded. Motion passed 4-0.



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Permits – David Popowski

Mr. Popowski is proposing to add about 600 feet of 5" seepage lines. The adjacent downstream neighbor objects to the permit because he fears it will add water to the downstream public water basin. The PW basin has experienced increased water levels in recent years and the landowner has experienced an increase of acres under water. The land naturally drains to the north to the public water. The board felt that there was no reasonable reason to deny the permit. The work would fall into the reasonable use doctrine, which is what governs MN water use law.

Boulton moved to approve the permit. Volstad seconded. Motion passed 4-0.

Permits – Louis Claeys

Mr. Claeys applied for a permit to tile the northwest area of his parcel. This parcel does not naturally drain towards Lincoln CD 39, which runs through the east side of this parcel. He is proposing to put a lift pump at the property line, this would be the natural surface flow the area he is proposing to tile. Eventually this water would end up in Lincoln CD 8. After discussion the Board would like to find a different solution to allowing a lift pump at the fence line. Overholser is going to reach out to Lincoln Drainage Authority to see if this parcel is benefited into CD 8 and to see if some other agreement or compromise can be reached.

Permits - RJL After-the-fact permit

At the March meeting the matter was tabled due to the district not receiving the needed information. There was a technical issue with email on the District's end and was not the landowner's fault that the information was not received before the meeting. Overholser presented the maps and the letter that the landowner's representative had sent to her. The as-builts indicated that some pattern tile was done in order to remove some open intakes.

The district was first made aware of the unpermitted activity when a downstream landowner complained that they had never been asked about nor had they signed off on the project.

When reviewing the as-builts, the Board concluded that if this tiling was unlikely to substantially increase the amount of water that is being cast downstream, the area where the work was done naturally drains that direction and that the project meets the "rule of reasonable use" which governs Minnesota's surface drainage rights. The Board concluded that if a permit had been applied for, it likely would have been granted even if the downstream landowner objected.

District rule 4.03 sub. 4 states, "After-the-fact permits for any action taken on the land for which a permit is required but not obtained prior to taking that action, will be subject to a fee of not less than \$250.00 or exceeding \$750.00 as determined by the Watershed's Board of Managers, plus the actual engineering, attorney's fees, and any other cost incurred by the District in dealing with the un-permitted work." Taking this rule into consideration and the fact that this landowner has never had a violation before, the board feels that it is appropriate to assess the smallest permit fee allowed under this rule, which is \$250.00.

Busse moved to assess the RJL Family Farm with a \$250.00 after-the-fact permit fee. After the fee is paid the, District will approve the permit. Briggs seconded. Motion passed 4-0.



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Permits – Darrell Oerter – Marshfield 3

Mr. Oerter applied for a permit last fall. He and the district had communication with the downstream landowner requesting their signature on the project. They were hesitant to sign off on the entire project. They had no issues with the work proposed on the east side of the parcel but did not want to sign off on the work being done on the west side of the project. No reason for the objection was given. Mr. Oerter requested that the permit be brought to the board for consideration. The project is adding 5” seepage lines onto an existing system that outlets into grassed waterways on to the property to the north. There will be no work done on the downstream land. The Board found that the project is reasonable, a stable outlet already exists for the proposed work, and this project meets the criteria defined in the “rule of reasonable use.”

Volstad moved to approve the permit. Boulton seconded. Motion passed 4-0.

Public Comment, and Reports

Administrator, Program Assistant and Managers provided reports.

Old Business – WRAPS II

Overholser reported that she has been working with MPCA and local 1W1P partners to request additional monitoring sites for the 2020/21 WRAPS.

Old Business – Hauschild Dam

Overholser received a call about a concern that the tile line we monitor may need to be shut off soon as the water levels in the reservoir were high. Dritz went out to look at situation and reported that is was currently okay, but if we continued to receive precipitation it will need to be closed. Overholser and Dritz will continue to monitor the situation.

Old Business – Burton Lake

Overholser reported that she will be facilitating a meeting with the landowners benefitted into Burton Lake to see if some sort of agreement can be reached.

New Business – Selmar Smith Dam – Nordland 20

AREA II is designing a retention project that will create additional acre-feet of storage in the watershed. The landowner would like to request some financial help from the district in covering his 25% portion of the cost not covered by the grant. In the past the board has provided \$100.00 for acre-foot of storage.

Buyse moved to provide a cost-share amount of \$3000.00. Volstad seconded. Motion passed 4-0.

New Business – LCCMR Proposal

The district was asked to be the local government for a LCCMR proposal to study and quantify the benefits of larger scale retention structures. The proposal will need to be submitted by April 15th. Overholser would be working with Lisa Frenette and BWSR on the proposal. Overholser would act as the project manager.

Boulton moved to approve the submission of the LCCMR proposal and for Overholser to act as project manager. Buyse seconded. Motion passed 4-0.



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1W1P Cost-Share

Larry Sterzinger – Ash Lake 111 – Contract

Peter Louwagie – Vallerys 20 – Payment

Harvey Syltie – Alta Vista 20

Harry Rataczak – Royal 10

Buyse moved to approve contracts and payments presented. Boulton seconded. Motion passed 4-0.

Other Business – Future Events

Regular Meeting Monday May 13th 9:00 a.m.

Summer Tour June 26-28 Fargo/Moorhead Area

Adjournment

Buyse moved to adjourn the meeting. Volstad seconded. Motion carried 4-0 and the meeting was adjourned.

Respectfully Submitted,

Secretary Elmo Volstad

Date

Minutes prepared by Michelle Overholser

The next regularly scheduled meeting of the Yellow Medicine River Watershed District will be held at 9:00 a.m. on April 8, 2019 at the District Office.