

Pursuant to notice and due call, a regular meeting of the Upper Minnesota River Watershed District Board of Managers was held Tuesday September 12, 2023 at the district office located at 211 2nd Street SE in Ortonville, MN. Board members present were Holker, Radermacher, Gillespie and Bork. Members of the public in attendance include: Jeffrey Doss. Lisa Odens and Dennis McApline attended from Houston Engineering.

Holker called the meeting to order at 9:00 am.

Budget Hearing. An error was made with the local newspaper which didn't provide the statutorily required time to notify the public of the 2024 Budget Hearing. A motion was made by Bork, seconded by Holker to adopt a preliminary budget as presented. Motion Carried: 4-0.

The board will notify the public of their budget hearings during both the November and December meetings before finalizing.

A motion was made by Bork, seconded by Gillespie to approve Minutes from the previous meeting, as well as authorize payment of submitted invoices, as presented by Doschadis. Motion Carried: 4-0

LMCIT 2023-2024 Dues	\$2,221.00
Discover	\$65.41
Houston Engineering # 66945 Browns Valley Fish Passage	\$3,189.75
Houston Engineering # 66233 Browns Valley Fish Passage	\$819.50
Houston Engineering # 66555 Whetstone	\$37,432.89
Conroy Electric #1230 Dam Automation Screen	\$1,329.21
Houston Engineering # 66578 Dam Automation	\$3,384.73
Pheasant Country Mowing at Dam	\$240.00

CORRESPONDENCE

Permit #M-22 Border View Road Association. Prior 6. Jeffrey Doss attended the meeting to voice his concerns with past drainage in the Border View neighborhood along with a current proposal from some of his neighbors to improve drainage along the properties via a constructed ditch. Managers reviewed the Engineer produced map of the watershed and confirmed that the culvert through the road is a 24-inch pipe. The landowner expressed his appreciation of the map and the board agreed that he should work with the other applicants/ neighbors on a final design that may include a road raise near the curve in the road (low point).

A motion was made by Bork, to approve the permit pending final coordination/ agreement on design among all landowners of the proposed ditch. Motion was seconded by Gillespie. Motion Carried: 4-0

OLD BUSINESS

1. Whetstone River Restoration

Dennis and Lisa gave an update on the permitting process and the next several months of permitting with the USACE and various state and local regulatory staff.

2. Browns Valley

Manager Holker introduced the following resolution and moved its adoption:

UPPER MINNESOTA RIVER WATERSHED DISTRICT
RESOLUTION DIRECTING INITIATION OF PROCEEDINGS TO MODIFY THE
BROWNS VALLEY FLOOD MITIGATION PROJECT

WHEREAS, the Upper Minnesota River Watershed District (the District) established the

Browns Valley Flood Mitigation Project (the Project) by order dated March 11, 2008; and WHEREAS, the Project included two major components, the West Floodway and Toelle Coulee components, to be constructed in sequence as Federal and State grant funds, if any, became available for construction; and

WHEREAS, to date, the West Floodway component of the project and Phase 1 of the Toelle Coulee have been constructed. The Toelle Coulee Phase 2 component may be constructed if funds are secured to pay the cost of construction; and

WHEREAS, in the original proceedings to establishment of the Project, the Project engineers evaluated and reported the history of flood damage within the project area and the flood damage reduction benefits to be achieved by the project; and

WHEREAS, in part, the engineers' evaluation of flood damage reduction benefits, justified the award of Federal and State grant funds for the construction of the project; and

WHEREAS, because Federal and State grant funds were sufficient to pay the costs of construction of the West Floodway component of the Project and Phase 1 of the Toelle Coulee, the District did not proceed with a determination of parcel-based project benefits to properties affected by the Project for the purpose of allocating a portion of costs to assess to properties benefitted by the Project; and

WHEREAS, the Board of Managers finds that the Project, and specifically the current and future maintenance of the Project, is necessary to minimize public capital expenditures needed to remedy flood damages; to protect land values and economic opportunities in the Project area; to protect and improve surface water quality; to prevent erosion of soil into surface water systems; and to secure other benefits associated with the proper management of surface water; and

WHEREAS, statutes section 103D.631 requires the District to maintain its projects in a condition so that they will accomplish the purposes for which they were constructed; and

WHEREAS, the cost of normal or routine maintenance of the projects of the District are to be paid from the maintenance fund for a project; and

WHEREAS, for most projects contemplated under statutes chapter 103D, funding of original construction derives from project assessments to benefitted properties; and

WHEREAS, statutes chapter 103D is silent on the establishment of a maintenance fund in situations where original project construction was paid for with grant or external funds other than project assessments; and

WHEREAS, statutes section 103E.631 contemplates the maintenance funds to be derived from special assessments to all the parcels of property and municipal corporations previously assessed for benefits in proceedings for the construction or implementation of a project; and

WHEREAS, the Board of Managers desires to investigate the possibility of a project assessment to properties benefitted by the Project in order to pay a portion of the cost of future maintenance; and

WHEREAS, the Board also desires to clarify the status of the previously established project as a basic water management improvement of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Managers of the Upper Minnesota River Watershed District as follows:

1. The Board initiates proceedings under Statutes section 103D.605 to modify the previously established Browns Valley Flood Mitigation Project.
2. The proceedings shall follow the requirements of Statutes sections 103D.605 and 103D.715 – .731 as appropriate.
3. The proceedings may address project benefits by project component or for the Project in total.
4. The Board appoints the engineering firm of Houston Engineering, Inc. to prepare a report of scope and nature of flood damage reduction benefits provided by the Project.
5. Upon receipt of the engineer's report, the Board shall notice and hold a hearing on the report

before deciding whether to appoint appraisers for the purpose of evaluating and recommending parcel-based project benefits.

6. The Secretary and Administrator are authorized to coordinate with staff and consultants and to take all actions necessary to implement this resolution, except those actions reserved by statute to the Board of Managers.

The motion was seconded by Manager Bork. After discussion and upon a vote, the motion passed, and the President declared the resolution adopted.

Little Minnesota River Diversion. 2023 Spring event caused significant sedimentation in the floodway channel, Doschadis presented a cost estimate from Houston and Lisa explained the assumed scope of work for a 2024 project. A motion was made by Gillespie, seconded by Bork to order the sediment removal in coordination with MN and SD FEMA as well as Engineering and construction support from Houston Engineering. Motion Carried: 4-0

Fish Passage Improvements to Diversion. Lisa discussed the design work expenses and the changes made to the original MN DNR design to eliminate future changes to the box culvert.

Toelle Coulee. Phase 1 Ditch in Town- Howard Paulsen will spray for weeds and volunteer trees in October.

3. Beardsley Dry Lake

BWSR approved the project and Doschadis will continue to work with the BC on a grant in eLINK. Lisa presented a task order to investigate the drainage area and original 1997 design work done by Widseth, Smith and Nolting. A motion was made by Holker, seconded by Radermacher to move forward with the work. Motion Carried: 4-0

4. One Watershed, One Plan

Doschadis reports that the 1WIP partners will set a public hearing date at the virtual staff meeting next month.

NEW BUSINESS

1. Administrator's Report was presented by Doschadis. A motion to approve as submitted was made by Gillespie, seconded by Bork. Motion Carried: 4-0
2. Board Managers. Radermacher and Gillespie took their Oath of Office and signed their Bonds.
3. 2024 Budget. A motion to adopt the budget, as presented, was made by Bork, seconded by Holker. Motion Carried: 4-0. A public hearing will be held during the November Meeting.

UPCOMING EVENTS

UMRWD Regular Meeting – October 10, 2023 – 9:00 a.m.*

** A motion was made by Gillespie, seconded by Bork, to approve rescheduling or the cancellation of the October Meeting, depending on Manager and staff schedules. Motion Carried: 4-0*

UMRWD Regular Meeting – November 14, 2023 – 9:00 a.m.

The meeting was adjourned at 11:15 am.