

SAND HILL RIVER WATERSHED DISTRICT
VESLEDAHL WETLAND BANKING
INFORMATIONAL MEETING
September 21, 2017

1. Attendance:

Sand Hill River Watershed District Administrator Daniel Wilkens the Vesledahl Wetland Mitigation informational meeting to order at 7:00 PM September 21st at the Winger Community Center. Other SHRWD managers present were Phillip Swenson. District staff member April Swenby – Administrative Assistant could not attend and acting District engineer Tony Norby was present. Agencies represented were: Dave Weirens – Board of Soil and Water Resources, Jim Curran - MnDOT, John Williams - MN DNR, and Emily Hutchinson – MN DNR, Gerald Jacobson- Polk County Commissioner. Others in attendance were Richard Kriewald, LeRoy Johnson, Karen Espeseth, Dan Hertwig, Gregory and Fotina Basargin, Lucy Brtek, Ron Lucken, Dan Vesledahl, Gerald Paulson, Glenn Paulson, Jeff Bratager, Milo Oppegaard, Donald Hanson, Dan Larson, Dave Larson, Sherman Johnson, and Chad Hitchen. Several people in attendance did not sign in.

- 2. Daniel Wilkens, Sand Hill Watershed Administrator welcomed everyone.** The minutes were reviewed. BWSR explained that on page 3 at the top, the comment from Richard Larson asking why this property was different than other WMA's: The reference to plastic pipe was in error. There was no plastic pipe used in the project on the water control structures. There were no other comments on the minutes. Dan Wilkens gave a short synopsis of the previous meeting. There were several questions of the agency people that needed further research from the last meeting. He then asked each agency for an update on what they had found. At the end of the meeting more discussion would take place on the legal ditch establishment issue.

3. BWSR Report

Dave Weirens – BWSR Representative, said he would try to answer 5 items that came up last time.

1. Plat Map: As to the plat map that showed BWSR owned 2-40 acre parcels that they didn't know they had, that is true, BWSR does own those 2 parcels. Someone asked where the parcels were located and Dave Weirens pointed them out on the map. Dave stated that as BWSR and MnDOT work through the sale process BWSR would work with MnDOT and coordinate the sale.
2. Maintenance Responsibilities: BWSR has no obligation to maintain the drainage system. The current easement is predicated on DNR owning the property. The easement will need to be changed when ownership changes. Dan Vesledahl questioned whether MnDOT could do something different in the easement than the current one going to DNR. BWSR has a standard wetland (model easement) conservation easement. Gregory Basargin asked ' why not do wetland replacement in the cities?' Dave Weirens stated that they have wetland mitigation sites located all over the state. The state wants to do wetland sites as close as possible to the projects that require them. This project was a willing seller. Easement and ownership are separable. Dan Vesledahl asked what have you spent on this project compared to other easements around the state? \$1,500 vs \$10,000 per acre. Dan Vesledahl said they should have paid more attention to using the road as a dike. Dan Vesledahl stated that now the mitigation costs are \$20,000 or more per acre. If they had done more work on the site there would not have been all these problems and the DNR would have probably taken the site. He felt that it was improperly engineered from the beginning.
3. Roads used as dikes and seepage: Dan Vesledahl had brought up road issues last time. Dave Weirens mentioned Mark Morvig, Leroy Johnson, and Gregory issues. Dan Wilkens had passed out copies of the easement that has been filed on the property and recorded at the Polk County Recorder's office. John Williams, DNR, looked over the recorded easement and the one he has been using. Both have the same signature page but his copy had not been recorded. They were

substantially different. It appears that the one DNR has was drafted just after the one that was recorded as an alternative. John Williams believes that the recorded easement has more flexibility than the one he has. Currently MnDOT has ownership and wants to sell the property. DNR currently does not want to become the owner. There is a great need for BWSR to solve the remaining problems. Dan Wilkens asked about the sale of the property before these problems are fixed? Dave Weirens said that the agencies are going to meet on these issues and will need to redo the easements. Gerald Paulson spoke up and said "isn't the main problem water affecting the roads and farmland around the project?" Why aren't we talking about fixing these problems. He had looked at the easements and felt that the agencies had the responsibility to find solutions. He suggested that everyone that had issues should hire the best attorney possible to look at this easement. Gregory Basargin asked would that be at our own expense? Gerald Paulson said yes! That is life. If you look at the easement BWSR has the responsibility right now. Dan Wilkens asked if MnDOT could get the ditch cleaned right away? MnDOT doesn't know if it needs cleaning. They would have to look at it to make a determination. BWSR would give anyone permission to clean it. Gerald Paulson asked to give attention to page 10 item 2. D. Gerald Paulson asked did BWSR expend any funds to address this. Dan Wilkens explained that BWSR gave the Watershed District \$21,300 to use only the interest to maintain the ditch over time. This fund has risen to \$29,000. To date no agreement has been reached between BWSR and MnDOT to allow the watershed district to be able to use these funds for maintenance. In 2013 spots of the ditch were cleaned from culvert to culvert. Road issues were too big of a problem so they were dismissed. Dan Wilkens asked if there were funds available to clean the ditch again. Dave Weirens said none that he knew of. Dan Wilkens said who is responsible to clean the ditch? Each individual landowner has been taking care of their own property. Gerald Paulson said that BWSR said they would clean the ditch in the agreement. That agreement was between 3 agencies. Gerald Paulson asked if any landowners have come forward and asked the agencies to clean the ditch. None so far. Gerald Paulson stated that BWSR owns the easement on file. Yes, they do. Dan Wilkens explained the Buffer Law. Someone asked if this was a protected water. Yes, some of the drainage is a protected water. Last meeting some discussion led to the belief that some of the major ditches were plugged as part of this project. No major drains were plugged. Only off channel areas had dams built for retainage ponds. Dan Vesledahl asked why don't the agencies give an easement to anyone who wants to clean and spray the ditches be able to do so. The question comes back to who is going to pay for this work?

4. Dave Weirens asked where do we go next? Here are the problems he wants to address. Road saturation, Mark Morvig, Leroy Johnson, and Gregory Basargin issues. He plans on gathering data on these issues and discuss this with the St. Paul office. The agencies will continue to discuss the ownership issue. John Williams said that at the current time DNR is still not interested in ownership of the property. John Williams stated that he has concluded, as well as the other agencies involved, whoever ends up owning this property in the future, a legal ditch system should be petitioned for. A legal ditch system under the local watershed jurisdiction is the only way to handle future ditch maintenance on this property and along the entire system. As land ownership changes ditch maintenance will always be an issue if this isn't done. A legal system is the only way to address this that will work into the future. Dave Weirens stated that BWSR came to that same conclusion and they have released the \$29,000 so the watershed district can use this to establish a legal system. This is a one-time opportunity to use outside funds to establish a legal ditch system. If these funds are not used for this purpose they will need to be returned to BWSR. Jeff Bratager said that the only area he would like to have in a legal system is the Vesledahl property. Dan Wilkens explained that to have a successful petition you need at least 60% of the land over which the ditch passes. In that case the land would all be under MnDOT ownership and they have not decided to sign a petition yet. This would not address ownership change on the rest of the system into the future.

Dan Wilkens explained the petition for a new ditch process and asked the landowners to think about proceeding forward with this option. The district is here to help with any questions they may have. Please give Dan a call: 218-280-0934.

4. **Adjournment:** Next meeting is scheduled for October 26, 2017 at 7:00 PM at the Winger Community Center.

Respectfully Submitted: Daniel Wilkens - Administrator