

Little McDonald, Kerbs and Paul Lakes Improvement District
Meeting Minutes
March 20, 2015
PACC

Board Members Present: Roger Neitzke, Joe Esser, Les Konley, Mark Plencner, Dan Gleason, Bill Putnam, Ardell Wiegandt and Sue Meyhuber

Absent Members: Glenn Schreier

Guests Present: Mike Opat from Moore Engineering; Angela Willenbring, Kerbs; Bob Meyhuber, Little McDonald; Jeana Nelson, Devils Lake LID; Jim Nigg, Little McDonald; Jim McLeod, Little McDonald; Lee Omberg, Devils Lake LID

The meeting was called to order at 3:30 PM by Roger Neitzke.

Agenda presented and Roger added to Old Business - LMKP and DLD LID Joint Resolution; and add Tent Caterpillars, Hold Harmless Agreement, DNR Meeting Update and Liability Insurance to New Business. Ardell made motion to accept amended agenda, seconded by Bill.

OLD BUSINESS

- Approve Minutes from February 13, 2015: Ardell motioned to accept the minutes, seconded by Les.
- Correspondence: Information from Overland Insurance and spraying Tent Caterpillars
- Filtration Permitting Status: No updates as of this morning.
- EAW Status:
 - Submitted and published March 16, 2015
 - 30-day comment window is open
 - Three weeks behind schedule, but hope to make up the time
- Trip to Capitol
 - Great Trip
 - Presenters were Angela Willenbring, Doug Huebsch and Rick West, Otter Tail County Works and Engineer. The speakers were given 45 minutes to talk about our situation.
 - If there will be a Senate Hearing, it will be in April - if not, we will need to send letters.
 - Hired Cap O'Rourke to be our Lobbyist for this project. Cap setup several meetings while we were at the capitol.
 - 50-80 people present which was very impressive!
- Meeting with Pine Lakes LID
 - Roger and Joe met with them and they had questions regarding zebra mussels and filtration system.
 - Asked for mailing addresses for the Pine Lakes residence so we could send a notice regarding the Informational Meeting on Saturday, March 21st.
 - Did not received addressed from Rush Lake so we could not mail notices; however, the meeting notice was published in the paper.
- 429 Sub-Committee Report
 - The sub-committee has met with John Shockley, Attorney from Ohnstad Twichell; Mike Opat and Kyle Volk from Moore Engineering.
 - When presenting the initial assessment to John Shockley, he indicated that we could not use that formula as he could not defend it in a Court of Law.
 - The sub-committee will continue to work on obtaining accurate data and flush it through the revised formula. They will present it to the Board once they have worked through all of the details.
- LMKP and DLD LID Joint Resolution: This resolution was finalized and approved.

NEW BUSINESS

- Treasurers Report:
 - Received the following bills in March for \$47,593.21:
 - Moore Engineering:

- Task Order #1 Task III: Pumping & Filtering Analysis - \$7,328.00
 - Task Order #3 Task I: EAW - \$34,573.96
 - Meetings & Devils Lake LID Project Coordination - \$5,536.25
 - PACC Informational Meeting DLL - \$155
 - Ohnstad Twichell for 429 Meeting - \$1,512.50
 - Received \$100 invoice as down payment for tent caterpillar spraying.
- Concerns raised that we are \$20,000 over budget on the work completed by Moore Engineering. Roger mentioned we are all contacting Moore for information which results in a change order. Mike will respond to each of these.
- Bill asked Mike to provide both a hard copy of the invoices as well as a pdf format.
- Joe will work with Bill on setting up a purchase order system so we can compare original contracted amount and billed amount.
- Ardell moved motion to approve to pay the bills presented above as well as the treasurers report, seconded by Joe.
- State Funding for Project:
 - Cap called to setup a meeting with Governor's office to address additional DNR questions.
 - Continue to be asked if we will take a match or funds less than the \$10 million.
 - We will know if we are part of the bonding bill by mid-April. We will need 3/5 approval.
 - Cap indicated that Angela needs to take his calls immediately so he can react on our behalf. Angela requested resources she can contact to get immediate feedback - Joe, Jeana and Roger agreed to be these resources.
 - FDR (Flood Disaster Recovery) application will need to be completed should we not get into bonding bill.
- Kerbs Lake:
 - At the Informational Meeting in November, the Kerb's Lake residences brought up a question that we promised to research and get back to them.
 - Will the DNR allow trenching of the channel between Kerbs and Little McDonald?
 - Julie Aaland from the DNR indicated that it would depend on the environmental effects. There is some potential but very slim.
 - How much water will be flowing through the channel if we lower Little McDonald to OHW?
 - Based on LIDAR information, it appears there will be very little water flowing between the two lakes.
- Fundraising for Lobbyist:
 - It is critical that we hire a Lobbyist to keep this project moving.
 - Roger and Joe agreed to do some fundraising and said they would raise \$8,000.
 - Jim McLeod reported that the LMK (Little McDonald & Kerbs) Lake Association has a contract with the Lobbyist, Cap O'Rourke, for \$12,000. The LMK Lake Association has agreed to cover the difference between the fundraising and the \$12,000 contract.
 - Contributions should be sent to Dennis Anderson, Treasurer of LMK Lake Association
- Informational Meeting with Downstream Lakes:
 - Residences of the Big & Little Pine Lakes and Rush Lake have been invited to an informational meeting on Saturday, March 21st at 9:30 at the PACC.
- Tent Caterpillars: Ardell received an invoice for a down payment to do the tent caterpillar spraying. Ardell will coordinate the spraying this spring.
- Hold Harmless Agreement:
 - A Mutual Indemnification and Hold Harmless Agreement between LMKP LID & DLD LID was distributed to the Board for feedback.
 - The purpose of the document is to protect both LID's from legal action.
 - Jeana Nelson reported that issues (potential lawsuits) have come up that caused the draft of the document.
 - DLD LID would like to have an answer within a week and for sure before the next Board Meeting on April 10th.
 - At the surface it looks like the right thing to do, but the conscience of the Board was to have an Attorney review the document next week. Ardell volunteered to contact a local Attorney.

- LMKP LID needs to make sure we have processes and standards in place when reviewing documents and follow them.
- Both LID's agreed that the LMKP LID attorney will review the document and we will communicate the findings to the DLD LID; however, the LMKP LID will not be able to 'officially' approve the document until the next Board Meeting on April 10th provided we have information back from the Attorney.
- Joe moved motion to have attorney review the document and provide input, seconded by Bill.
- DNR Meeting:
 - Meeting last Tuesday, March 17th, in St. Paul with the DNR
 - DNR is focused on how they do things vs obstacles we need to overcome. i.e. if there is a house in the way of our route, then buy the house; if the access is under water, then build it up.
 - Team explained we need a creek to drain the water out of our lakes.
 - DNR was focused on filtration. Question came up as to why are they worried as Rose is infested and ultimately is discharging into the Otter Tail River and they are not currently filtering.
- Liability Insurance:
 - Bill visited with Overland Insurance and reported that no additional insurance will be required this year.
 - We will need to revisit this next year as we will have structures (pump house, etc.) that will need to be covered.
 - We will need to look at who owns the pipeline and that will need to be covered under a liability policy as well.
 - Jeana Nelson reported that the County has insurance that may be an option for us as well. Bill will check into this.
- Next Steps:
 - Have Attorney review Hold Harmless Agreement
 - Continue fundraising for Lobbyist
 - Continue working on 429 assessment
 - Design phase will be next after permits.
 - Mike Opat will call Bill Kahler to see if there are any comments coming in on the EAW.

Next Meeting: April 10, 2015 at 3:30 at the PAAC

Adjourn meeting at 5:40 PM

Sue Meyhuber, Secretary