

General Membership Meeting  
Little McDonald, Kerbs, Paul Lakes Improvement District  
Perham Area Community Center, 9:00 A.M., August 24, 2019  
Minutes (unapproved)

1. The meeting was called to order by Chairperson Jim Nigg at 9:10 A.M.  
Introductions: Board Members were introduced, Jim Nigg, Blair Anderson, Bill Putnam, Dan Gleason, Denny Davidson, Boone Caughey, Steve Nelson, Steve Kulik. Mark Plencner was attending electronically.  
John Shockely, Ohnstad-Twitchell Law Firm, Chad Engels, Project Engineer and Pat Downs, Project Coordinator, both from Moore Engineering.  
The numbered items in the minutes will correspond to the meeting agenda's numbered items.  
The Chairperson reviewed the project success, and reviewed the reason for the two separate meetings. The first meeting to review the Kerbs-Little McDonald connection and to provide the LMKP-LKP Board direction for the future. The second meeting will complete the Chapter 429 procedures and provide opportunities for residents to express concerns regarding their 429 assessments. LMKP-LID members were encouraged to be respectful as the agenda items were presented.
2. Agenda item
  - 2a. What, Why and Where was reviewed together.
  - 2b. Financial Information. The separation of expenses between the Outlet Project to the river and the potential Kerbs navigational channel were explained with further explanations during the Engineers' comments. A video that was used to provide necessary core sample information requested by the DNR, was explained which resulted in the cost of the core sample being waived by the DNR.
  - 2c. Resident questions, Larry Cornelius and Dave Moenkedick asked about the connection between Little McDonald and the southwest bay area, defined by County Highway 35 and West Little McDonald Drive. The question was asked as to the possibility of excavating a channel to this bay area for fish spawning and boat access. DNR hydrologist, Julie Aadland, has indicated that this would not be possible. Access to this area has been a result of the high water. Mrs. Jane Schock presented questions regarding a 12-3-18 e-mail from project engineer Mike Opat which stated possible methods to lower Kerbs Lake to ordinary high water level. Chad Engels, present project engineer, answered these concerns, especially the hydrolic theory which Chad stated is not a controlled drawdown and has no supporting evidence of success. Mrs Schock also questioned expenses for the outlet/channel, zebra mussel infestation of Kerbs Lake, and Criteria and Standards for Establishment of Lake Improvement Districts, Subp.8 Public access. Chad Engels addressed the expenses and John Shockley explained the Conservation Lake/Public access question. John stated that the entire statutes had to be reviewed to understand the intent. If there are any Conservation Lake issues the DNR will not issue a permit so that piece would be decided by the DNR during the permitting process. Kerbs Lake was listed as

infested with zebra mussel veligers in 2017 and has been designated as infested by the DNR. Mrs Schock expressed interest in an addendum to the Board proposal.

2-d. Engineers' Comments. Chad Engels spoke to the difference between an outlet and navigational channel and explained the cost billing associated with this. He explained the topo survey of the sandbar, licensed land survey needed for ownership and necessary easements, condition drawings, preliminary channel design and permit investigation. Chad indicated that an open channel is the least expensive option.

3. Board action: Revised Motion. A motion to amend the Board's motion of the August 7 Board meeting was made by Blair A. with a second from Steve N. The amending motion would remove the words: venting outlet/navigable channel to navigational channel. The revised motion would now read: Be it resolved that the Little McDonald, Kerbs and Paul Lakes Improvement District approves the construction of a navigational channel between Little McDonald and Kerbs Lakes contingent upon outside funding and that the Board is authorized to spend more than \$5,000 for plans and permits to have the project shovel-ready by the start of the MN Legislative session.

Be it further resolved that the Little McDonald, Kerbs and Paul Lake Improvement District request an additional \$1,075,000. million to cover extra venting construction costs and \$300,000 to fund construction of the venting navigational channel for a total funding request of \$1.375 million for the state. Motion passed 9-0.

4. Membership vote on Proposal. Mrs. Jane Schock proposed a motion to amend the proposal so the \$300,000 and \$1,075,000. million be voted on as separate proposals. Dana Sande provided the second. Members voted. 42 members voting yes for the split or amended proposal and 123 voting no. Dave Dunning made a motion to approve the Board recommended proposal, Al Bierdeman providing the second. LMKP-LID membership voted 144, yes, in favor and 27 voted, no, opposed. Board recommended proposal passed by membership.
5. There was not a Legislative update.
6. Announcements: East Ottertail Soil and Water Conservation District provided information on shoreline restoration with plants etc. The LMKP-LID webpage has information on Shoreline restoration permits from Land and Resource. Since pumps were started on August 1, 2019, 214 million gallons of water have been pumped.
7. The meeting was adjourned at 10:56 A.M.

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Little McDonald, Kerbs, Paul Lake Improvement District  
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Agenda

Call to Order:

1. Introductions: Board Members, Jim Nigg, Blair Anderson, Bill Putnam, Dan Gleason, Denny Davidson, Boone Caughey, Steve Nelson, Steve Kulik, Mark Plencner  
Consultants: John Shockley, Ohnstead-TwicheLL Law Firm, Chad Engels, Project Engineer and Pat Downs, Project Coordinator, Moore Engineering
2. Handout Items: Outlet Project Update
  - a. What, Why, Where (page 2)
  - b. Financial Information
  - c. Resident's Questions
  - d. Engineer's Comments
3. Board action: Revised Proposed Motion
4. Membership vote on Proposal (page 4)
5. Legislative Update
6. Announcements
7. Adjourn

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**What:** When the LMKP venting system was designed, the objective of the system as stated in the Minnesota State grant application was to drawdown water all on three lakes to their Ordinary High Water (OHW) marks. The ability to drawdown water was accomplished on Little McDonald Lake through the installation of the underground outlet pipe and pump station. It was accomplished on Paul Lake through a series of culverts. However, no outlet has been provided for Kerbs Lake. The sandbar between Kerbs and Little McDonald is 6 inches higher than both lakes' OHW. In order to expedite the water drawdown on Kerbs, an enhanced outlet/connection needs to be provided.

**Why:** When our LID applied for State funding, we promised to return Little McDonald, Kerbs, Paul, and Devils Lakes to their respective OHW elevations in return for \$10 million. The same funding grant also states that *"Kerbs Lake and Paul Lake are already connected to Little McDonald Lake and their connections would be enhanced as needed."* Every lake except Kerbs has received an enhanced connection.

**Where:** In order to determine where to place the enhanced connection between Kerbs and Little McDonald Lakes, the LID board consulted with our engineering and legal

teams. One of the plat maps for the area, the Hillview Estates Plat, indicates a dedicated drainage easement. In order to determine exactly where the drainage easement is, the Board had the property along the sandbar surveyed. The survey revealed that the drainage easement is a 67' wide piece of property, and that the warranty deed for this property is still held by the original land developer, Norm Meyer. Per Otter Tail County, no taxes have ever been assessed or paid on this piece of property because the County considers this land drainage. The Meyer family and Mark Raby, the property owner to the east of the drainage area, have both indicated that they will work with the LID to facilitate the construction of an enhanced outlet/navigation channel.

**DNR:** The LID and our engineers have been working with the DNR and other County entities to determine if a navigation channel is possible, since it would also serve as an enhanced outlet.

**Engineering:** The engineering team has been asked to give options and estimates of the cost for an enhanced outlet/connection.

<u>Expenses to date:</u>	<u>enhanced connection for Kerbs</u>	<u>navigation</u>
<u>channel</u>	<u>(required by the State funding grant)</u>	
Cross-sectional survey	\$1222.50	\$0
Land survey & description	\$7134.05	\$0
Professional Core sample	\$0 (waived by the DNR)	\$0
Engineering	\$9350 (preliminary work with design, DNR,& County)	\$0

### **Question Submitted:**

People on Kerbs purchased their properties on a lake without public access. Why should these residents expect to get to a public access and why should the LID pay for it?

### **Answer:**

- Residents from Kerbs could reach the public access on Little McDonald Lake through a natural channel for the last 23 years and numerous residents from Kerbs and Little McDonald have used this channel. Keeping a channel open provides a means for the public to still use Kerbs Lake without installing an actual public access on Kerbs.
- Water actually started flowing through this channel in the 70's, allowing

watercraft to move between Little McDonald and Kerbs Lakes.

- When Norm Meyer developed Hillview Estates, he told every person who bought property from him that they would always have access to Little McDonald Lake through the 67' strip of land he owned. He refused to sell this 67' piece of property to anyone, even though people tried to buy it. Water has flowed through this channel for years and as the water level increased so did the size of the channel.
- Before the LID was formed in 2002, residents on Kerbs were vocal about keeping their access to Little McDonald Lake. At the time of the LID's formation, Kerbs was included in the LID because Little McDonald and Kerbs were connected and thus treated as one lake. The Kerbs residents supported the 2014-2015 funding effort to request money from the State because they wanted to create a positive solution for everyone, especially those who were in danger of losing their homes. During this entire time (2001-2019), conversations were held with the LID board about the importance of keeping the channel open. The LID boards promised the Kerbs residents that they would "get to it".
- The venting system has provided a positive benefit to the residents of Little McDonald, Paul, and Kerbs Lakes, but a portion of the project needs to be completed for Kerbs Lake. The anticipated benefits to Kerbs Lake includes an enhanced connection to Little McDonald Lake as required by the State Funding grant. This connection has yet to be constructed.
- A combined enhanced outlet/navigation channel is the least expensive and most maintainable solution for providing a controlled venting outlet to Kerbs Lake.

\* State funding grant application:

- *"The objective of the project is to return the water levels on all impacted lakes to their OHW elevations."*
- *"Kerbs Lake and Paul Lake are already connected to Little McDonald Lake and their connections would be enhanced as needed."*

### **Proposed Motion:**

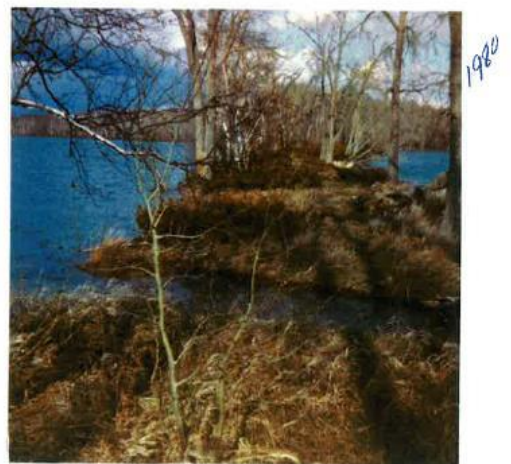
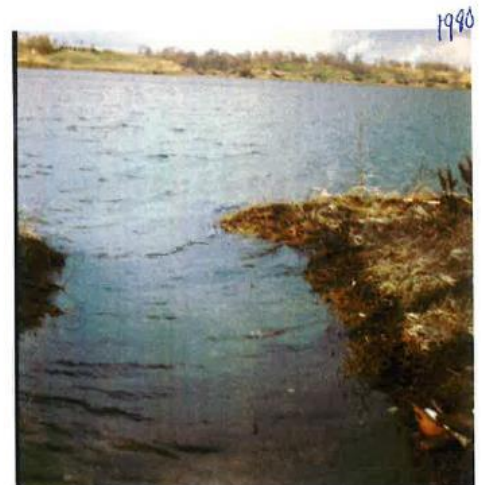
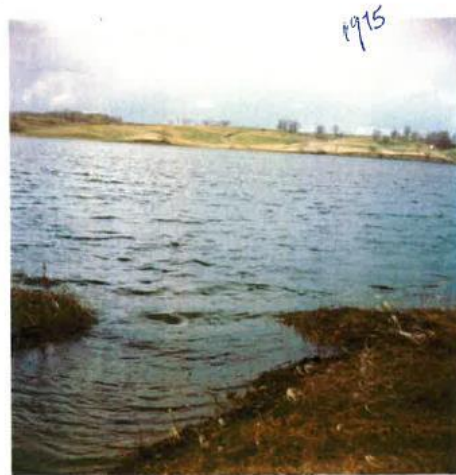
Be it resolved that Little McDonald, Kerbs and Paul Lake Improvement District approves the construction of a navigation channel between Little McDonald and Kerbs Lakes contingent upon outside funding and that the Board is authorized to spend more than \$5000 for plans and permits to have the project shovel-ready by the start of the MN Legislative session.

Be it further resolved that the Little McDonald, Kerbs and Paul Lake Improvement District request an additional \$1.075 million to cover extra venting construction costs and \$300,000 to fund construction of the navigation channel for a total funding request

of \$1.375 million from the State.



## Historic Kerbs Lake Channel



# Engineer's Comments

- Preliminary Engineering Completed (Enhanced Connection)
  - Topo survey of sandbar
  - Licensed Land Survey (Ownership/Easements)
  - Existing condition drawings
  - Preliminary channel design (excavation quantity)
  - Preliminary permit investigation
- Open channel is the least expensive option
  - Permit feasibility is the first step in determining ultimate design

# Motion to Amend Resolution

Existing: (in the mailing)

Be it resolved that the Little McDonald, Kerbs & Paul Lakes Improvement District approves the construction of a **venting outlet/navigable channel** between Little McDonald & Kerbs Lakes contingent upon outside funding and that the Board is authorized to spend more than \$5,000 for plans and permits to have the project shovel-ready by the start of the MN Legislative session.

*Revised:*

Be it resolved that the Little McDonald, Kerbs & Paul Lakes Improvement District approves the construction of a ~~venting outlet/navigable channel~~ **navigational channel** between Little McDonald & Kerbs Lakes contingent upon outside funding and that the Board is authorized to spend more than \$5,000 for plans and permits to have the project shovel-ready by the start of the MN Legislative session.



# Resolutions

*Revised:*

Be it resolved that the Little McDonald, Kerbs & Paul Lakes Improvement District approves the construction of a ***navigational channel*** between Little McDonald & Kerbs Lakes contingent upon outside funding and that the Board is authorized to spend more than \$5,000 for plans and permits to have the project shovel-ready by the start of the MN Legislative session.

Be it further resolved that the Little McDonald, Kerbs, & Paul Lake Improvement District request an additional \$1.075 million to cover extra venting construction costs and \$300,000 to fund construction of the venting outlet/navigational channel for a total funding request of \$1.375 million from the state.

Member Question and Answer

Member Vote on Resolution