

SAND HILL RIVER WATERSHED DISTRICT

October 3, 1995 Meeting Minutes

1. Attendance: Roger Hanson called the October 3, 1995 meeting to order at 8:00 a.m. at the District Office. Managers present were Ray Baatz, Jimmy Krogstad, Harold Vig, and Dan Wilkens. Clayton Engelstad, Glen Paulson, Darlene Swenby, Leo Kalinoski, Ronnie Locken, Roger Black, Lawrence Woodbury-SHRWD Engineer and Wayne Goeken-SHRWD Executive Secretary were also in attendance.
2. Agenda Review: No changes to the agenda were noted.
3. Minutes: Motion by Krogstad to approve the minutes of the September 12, 1995 SHRWD regular Board meeting as mailed. Motion seconded by Baatz and carried unanimously.
4. Treasurer's Report: Wilkens reviewed the Treasurer's report and bills for payment. Motion by Vig and second by Krogstad to approve the Treasurer's report as presented and bills for payment. Motion carried unanimously.

Payment Made to Memo	Amount
First State Bank of Fertile— Soc Sec/Medic.	\$ 254.56
Dennis Habeck-clear log jam by Climax	1,704.00
Wayne Goeken—secretarial services & expenses	493.75
Ray Baatz—meetings & expenses	65.79
Roger Hanson-meetings & expenses	206.85
Jimmie Krogstad— meetings & expenses	104.35
Harold Vig— meetings & expenses	61.17
Dan Wilkens— meetings & expenses	510.92
Al & Laura's Foods— meeting expenses	32.92
Glenn K. Paulson— 40 beavers-Bear Park	800.00
Engelstad Bulldozing	1,360.00
Houston Engineering— General engineering services	1,302.00
Southham Business Communications USA Inc-bid ad-Proj. 12	367.50
Fertile Journal—Meeting notice & Proj. 12 bid notices	33.05
Mahnomen Pioneer— Proj. 12 bid notices	50.40
Norman County Index-Proj. 12 bid notices	86.32
Fertile Bakery— meeting expenses-MAWD tour	152.30
MONTHLY TOTAL	\$7,585.88

Wilkens reported on the SHRWD annual administrative budget hearing held September 28, 1995. The budget hearing was called to order by Treasurer Wilkens at 8 p.m.. No citizens attended and no written comments were received to effect changes in the proposed budget. The budget hearing adjourned at 8:20 p.m. Motion by Krogstad to adopt the budget as proposed and presented at the hearing(see attached budget). Vig seconded the motion which carried unanimously.

Levy amounts for ditches in the District were then discussed. Motion by Baatz to set the 1996 levy for Ditch 17-2 at 15 percent of the original benefits and the levy for the Sand Hill Ditch at two percent of the original benefits. Krogstad seconded the motion which carried unanimously.

Staffing of the District office was also discussed with the Board requesting that Wilkens and Goeken write up a draft job description for the secretary's and treasurer's positions for discussion at the next Board meeting.

5. Project Reports:

a.) Project #12: Wilkens reported that after the September 12 SHRWD Board meeting he was at the Polk County Courthouse getting mailing labels to notify affected landowners in the project of its status when he heard of the appeal that had been filed. This was the first knowledge that the SHRWD Board had of an appeal of the Board's decision to proceed with the project. Woodbury noted that he has been trying to get in touch with the appellant's attorney to convey new project cost estimates which reflect lower project costs but he has had no response from his office.

SHRWD Attorney Bottrell has subsequently filed a petition to dismiss the appeal based on the fact that the appeal wasn't filed in a timely manner as prescribed by statute. The SHRWD also contends that the project and related proceedings are subject to watershed law as prescribed in Chapter 103D of Minnesota State statutes and not under drainage law as presented in Chapter 103E. A court date to hear the appeal has been set for October 30, 1995. If the appeal is not dismissed then the case will go to court with the project's costs, benefits and related project parameters to be reviewed.

If the SHRWD Board had known that an appeal had been filed then the project bid opening would have been delayed. However, as the bids were opened the situation is as follows~the SHRWD has 30 days to award the bid from the bid opening date unless the contractor agrees to hold his bid price in which case an extension is allowed for awarding of the bid.

It was noted that if the appeal is dismissed and the project proceeds, the costs incurred by the SHRWD to respond to the appeal will become part of the overall project costs. Project costs may increase if the time frame to proceed is delayed to the point of the project needing to be rebid and if interest rates for bonding become less favorable. Legal costs incurred by the appellants to appeal the project are strictly borne by the appellants and are not charged to the project.

The Board discussed that there seems to be misinformation about the actual costs of the project to the landowners being communicated. It was discussed that a simple, straightforward letter should be sent out to the landowners in the project area stating the actual costs of the project to the landowners on a per acre basis if the project was to proceed as it currently stands without further delay. If it doesn't confuse the issue, this letter could also include a map of the project area and an explanation of the status of fringe landowners who may want to be included in the project.

The Board will schedule a meeting with Vineland and Hammond townships regarding road work and dirt removal options and cost-sharing related to Project #12.

b.) Ditch 17-2: Clayton Engelstad reported that he has cleared access to Ditch 17-2 on both sides.

c.) Bear Park: Glen Paulson turned in 40 beaver tails that he trapped in the Bear Park project area and a billing for this work.

d.) Winger Dam: Winger Mayor Leo Kalinoski and Winger Maintenance Superintendent Ronnie Locken visited the Board to check on the status of the Winger Dam. The Board noted that the Red River Valley Environmental Assessment is still being conducted and any action on the Winger Dam will continue to be on hold until this assessment is completed.

e.) A situation regarding erosion along the Sand Hill River just south of Beltrami in the vicinity of Burlington Northern's railroad crossing was discussed. The river bank on the south side immediately downstream of BN's bridge has sloughed to the extent that it is right up to Gary Gullekson's driveway which parallels the river. Woodbury noted that BN notified him that they are planning on putting in a new culvert in this area and will implement bank stabilization measures to protect the integrity of the railbed and Gullekson's driveway. The SHRWD contends that costs related to this work are to be borne by BN as the bank sloughing in this area is due to swirling water created by the

BN bridge. Woodbury suggested that before proceeding with work in this area that a soil boring be done to determine if there is a deep soil failure.

6. Report on Meetings and Activities During the Past Month:

- a.) Hanson reviewed the outcome of a meeting that he attended at the SHRWD office regarding erosion problems associated with the Sand Hills Golf Course in Fertile. Board members of the SH Golf Association were present to discuss options with staff of the Minnesota Pollution Control Agency and Polk County Zoning. MPCA indicated that a soil erosion management plan must be developed and implemented immediately to control erosion at the site and to avoid fines that could be charged if such a plan is not implemented. MPCA staff present noted that they would work with the Golf Association to get their necessary permits and to develop a soil erosion control plan and implementation schedule.

7. Upcoming Meetings and Other Business:

- a.) Hanson reviewed mail that had been received since the last Board meeting.

8. Permits:

8 permits that came before the Board for review were approved as follows.

- 1995-39 Darin Engelstad. Hubbard Twp, Sec 16. Clean existing ditch and extend it due to siltation and inadequate present design.
- 1995-40 Clayton Engelstad. Liberty Twp, Sec 23. Clean existing ditch to address flooding from siltation.
- 1995-41 Ervin Vigness. Hubbard Twp, Sec. 23. Install culvert for field crossing.
- 1995-42 Woodside Twp. Woodside Twp~Secs. 30 & 31 and Godfrey Twp-Secs. 25 & 36. Upgrade two miles of township road due to present inadequate design, flooding and erosion.
- 1995-43 Willard Swenby. Garfield Twp, Sec. 27. Install culvert for crossing to gain access to woods.
- 1995-44 Roger Hanson. Scandia Twp, Sec. 13. Construct new ditch to address poor drainage from inadequate present design.
- 1995-45 Alden Jallo. Liberty Twp, Sec. 4. Clean existing ditch to address flooding from siltation.
- 1995-46 David Black. Bear Park Twp, Sec. 8. Clean existing ditch to remove silt deposits.

9. Adjournment: The next regular meeting of the SHRWD will be 8:00 a.m. November 7, 1995. As there was no further business to come before the Board, motion by Krogstad and seconded by Baatz to adjourn. Motion carried unanimously.

Jimmie Krogstad, Secretary

Wayne R. Goeken, Executive Secretary