

**SAND HILL RIVER WATERSHED DISTRICT**  
July 6, 2010 Meeting Minutes

1. **Attendance:** Chairman Harold Vig called the July 6, 2010 meeting to order at 8:00 AM at the District Office. Other managers present were Scott Balstad, Bill Brekke, Stuart Christian, and Roger Hanson. April Swenby – Administrative Assistant, Janeen Stenso – RRBC, Charles Anderson – JOR Engineering, Jeff Langan - Houston Engineering and Dave Hauff – WD Attorney. Landowners present were Ervin Vigness, Paul Burd, and Gene Brekke.
2. **Approval of the Agenda:** A Motion was made by Manager Hanson to approve the agenda as presented, Seconded by Manager Christian, Carried.
3. **Minutes:** A Motion was made by Manager Hanson to approve the minutes of the SHRWD regular board meeting conducted on June 1, 2010, Seconded by Manager Christian, Carried.
4. **Treasurer's Report:** A Motion was made by Manager Brekke to approve the treasurer's report for June, Seconded by Manager Balstad, Carried.

A Motion was made by Manager Balstad to approve and pay bills Seconded by Manager Brekke, Carried. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

**5. Engineer's Report**

**TMDL:** Wilkens reviewed the status of the TMDL program funding through PCA. RMB Labs has hired an employee to handle the public input side of the TMDL process at the request of several entities that need expertise in this field. RMB is working with the PCA to see how a process could be set up to utilize their expertise in working with watershed districts on the TMDL process.

**Dan's Monthly Report**

**RRWMB:** The RRWMB met in Ada. Meeting highlights were given to the managers.

**Liberty-Onstad Ditch Cleaning:** JC&J Trucking was awarded the bid. The water is still running at full capacity in the ditch system due to continuous rains. Will need to wait until the ditch dries up.

**FEMA Mapping:** Polk, Red Lake and Pennington Counties. The firm has 30 months to complete the project.

**Fish Passage:** USACOE is working on a preliminary report to see about possible funding from their organization for fish passage.

**Extension of Overall Plan:** The district has an extension to December 31, 2010. The main item being addressed is the COE purpose and need statement.

**Boundary:** The Red Lake and Sand Hill have agreed to furnish their own member on this project.

The regular meeting of the Sand Hill Watershed District was recessed at 8:30 AM by Chairman Vig.

- 7. Ditch # 24 Hearing:** The managers reconvened the preliminary hearing of Ditch # 24 at 8:30 AM. Dave Hauff asked the managers to verify that the legal criteria were met at the preliminary hearing. The managers reviewed the criteria to determine if the project is of public benefit.

Hauff informed the managers that the following criteria should be verified and determined:

- a. Proposed project (as modified) is feasible;
- b. There is necessity for proposed project;
- c. The proposed project will be of public benefit and promote the public health after consideration of environmental and land use factors in 103E.015; and
- d. The outlet is adequate. 103E.261 subd.5

If the preceding factors are found then a motion should be for an order finding:

- a. That the petition is legal;
- b. That the factors set forth above have been met;
- c. The nature and extent of the proposed plan (generally);
- d. That there is a need for a detailed survey and that the engineer is ordered to make one and submit it as soon as possible; and
- e. That viewers, consisting of 3 disinterested residents, be appointed to assess benefits and damages

The managers reviewed the following environmental and land use criteria:

- (1) private and public benefits and costs of the proposed drainage project;
- (2) the present and anticipated agricultural land acreage availability and use in the drainage project or system;
- (3) the present and anticipated land use within the drainage project or system;
- (4) flooding characteristics of property in the drainage project or system and downstream for 5-, 10-, 25-, and 50-year flood events;
- (5) the waters to be drained and alternative measures to conserve, allocate, and use the waters including storage and retention of drainage waters;
- (6) the effect on water quality of constructing the proposed drainage project;
- (7) fish and wildlife resources affected by the proposed drainage project;
- (8) shallow groundwater availability, distribution, and use in the drainage project or system; and
- (9) the overall environmental impact of all the above criteria.

The hearing was opened to the public for comments and questions:

Scott Balstad asked how the protected waters will be handled in the project. Jeff Langan answered that the DNR will need to supply a permit. The DNR did not foresee issues with the protected waters. The wetland area will be evaluated and reviewed to determine the impacts. Because it is a man made wetland, there are many unanswered questions that will be answered during the permitting process. The DNR response did not indicate that the DNR would be uncooperative. Dave Hauff confirmed Jeff Langan's interpretation of the DNR's response.

Irvin Vigness felt that this project should have been broken into three different projects: the west outlet, the east

outlet, and the east drainage area. Vigness explained the drawbacks. He felt that there is already an existing drainage in the east end through the coulee that can be easily added to the project but needs to be cleaned. He felt that the north half of the existing coulee has drainage. Vigness feels that cost would significantly decrease to clean rather than to reconstruct and relocate wires. Langan will verify the wires issue as his map shows abandoned telephone wire. Langan believes that a great outlet can be made in that area practically and feasibly. Vigness believes that costs can be decreased if what exists can be cleaned and used in conjunction with the project. Langan said that in the detailed design phase this issue will be addressed to determine the best possible way. Paul Burd did not see the purpose of taking good farm land when there is an existing drainage area. Gene Brekke felt that the taxes on this project were high. He felt that a landowner's crop could be drowned out every five years and still be ahead versus paying for the cost of this proposed project.

Hanson asked how much land would need to be purchased if Vigness's suggestions were a part of the project. Langan explained that it would be similar to the proposed. Langan verified that a full channel construction needs to be done in the coulee. Langan needs to verify wetland impacts with the coulee and that would need to be addressed. Balstad asked how much this mile in question will cost. Langan will research that question. It was explained to Vigness that the petition specifically asked for this area to be address in the manner described in the preliminary engineers report. The existing coulee will continue to do what it currently does. According to the existing plan, the coulee will not be changed except on the near south end. Near the southern end, some of the original ditch will be filled with spoil to replace tillable land.

Vigness asked what the pros are. Access, maintenance and inspection were the major pros according to Langan. Vigness felt that those pros did not outweigh the cons and that he felt that access is not an issue. In this case he felt strong that the cost is stronger than the benefits and that there were more cons in proceeding with the current plan.

Hearing no more comments and questions the Managers ordered the following:

**ORDER OF SAND HILL RIVER WATERSHED DISTRICT  
PURSUANT TO HEARING AND MOTION**

The Board of Managers of the Sand Hill River Watershed District conducted a preliminary hearing on June 17th, 2010 on Project #24, the improvement of Polk County Ditch # Polk county ditch # 77 including branches 1 and 2 and improvements and laterals to Polk county ditch # 166. The hearing was recessed and reconvened on July 6<sup>th</sup> 2010. At said hearing and meetings, the following actions took place.

1. The petition for the project was reviewed and determined to be legal in conformity with Minn. Statute 103E.261, subd.3;
2. Preliminary survey report was reviewed in detail by the engineers in conformity with Minn. Statute 103E.261, subd. 2;
3. The commissioner's advisory reports were read at the hearing and will be included in the record in conformity with Minn. Statute 103E.261, subd. 2;
4. The following criteria, in conformity with Minn. Statute 103E.261, subd. 5 were reviewed and found to have met:
  - a. The proposed project as modified and recommended by the engineer is feasible;
  - b. There is a necessity for the proposed project;
  - c. After a consideration of the environmental and land use criteria set forth in Minn. Statute 103E.051, the proposed drainage project will be a public benefit and promote the public health;
  - d. The outlet is adequate.

Upon **Motion** duly made by Manager Hanson, and **Seconded** by Manager Christian, and

**Approved** by unanimous vote of the managers, IT IS HEREBY ORDERED;

1. The petition is duly sufficient;
2. The factors set forth in Minn. Statute 103E.261, subd. 2, are met;
3. There is a need for a detailed survey and the Sand Hill River Watershed District's engineer is ordered to make a detailed survey with plans and specifications for the proposed drainage project and submit a detailed survey report to the Sand Hill River Watershed District as soon as possible;
4. The following individuals are appointed as viewers to assess benefits and damages of the project. Edmund Bernhardson, Arvid Thompson, and Edwin "Bud" Johnson.

Dated this 6th day of July, 2010.

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Harold Vig, President

ATTEST:

I, Scott Balstad., Secretary of the organization, do hereby certify this is a true and correct copy of the original order on file with the Board of Managers of the Sand Hill River Watershed District.

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Scott Balstad, Secretary

The hearing was adjourned at: 9:45 AM

Chairman Vig reconvened the regular board meeting.

**City of Fosston Appeal:** The City of Fosston has sent a written appeal to the denial of permit # 2010-06. Lee Cariveau of Widseth, Smith and Nolting was present. The City of Fosston has asked the board to rescind their decision to deny the permit. The City of Fosston has not made a decision to proceed with an improvement project. Cariveau asked if putting a gate on the structure and only using it during large rain events could possibly keep the project out of the improvement criteria status. The board said that as long as it was installed with the potential to use the increased capacity it would be considered increased in capacity and therefore would be covered by the improvement requirement. Due to the fact that no one was present from the city council of Fosston or any one else to present any new evidence to dispute the denial the board left the original denial stand. A **Motion** was made by Manager Brekke to reject The City of Fosston's appeal, **Seconded** by Manager Christian, **Carried**.

Cariveau stated that August 6 they are planning on letting bids out for the area that does not require a permit. Hauff stated that the possibility of future problems exists by not going through the improvement process. Hauff stated that in his opinion the sequence of events should have been as follows: the improvement process should have been done and then the abandonment should have taken place.

Balstad expressed landowner concern regarding the downstream people. He reiterated that the improvement process would analyze the impacts for the downstream landowners and take them into account and address their issues if needed.

**RRBC:** Stenso reviewed with the managers the RRBC basin wide flood flow reduction strategy and the Sand Hill implementation planning. They are ready to proceed with phase two by applying the flow reduction strategy to the different watersheds. Anderson gave a presentation outlining the implementation planning. Using the Mike 11 model a technical group has come up with individual watershed goals to obtain a 20% reduction on the Red River. The RRBC has used a Mike 11 Model of the Red River main stem from Lake Traverse to the Floodway at Winnipeg to obtain each district's quantities that need to be held back in flood events. The Sand Hill district has to

reduce peak flows by about 35% to meet the overall 20% reduction goal.

Anderson asked our district engineer for a revised hydrograph for the 1997 flood from the Climax station which he can then plug into the model to make it more accurate.

Stenso explained the cost share options. Our district currently has most of the information the RRBC needs. The RRBC has a 50/50 match up to \$10,000 cost share program. Anderson asked that the district find sites that will meet or exceed the goals outlined in his presentation so we know what our district has for potential holding sites that can be developed over time to meet or exceed our goal.

**8. Other Business:**

**Public Relations:** The managers reviewed possible public relations items. No new information was brought before the board.

**9. Permits:** None

**10. Adjournment:** The next regular meeting of the SHRWD will be at 8 AM on August 3, 2010. As there was no further business to come before the board, a **Motion** was made by Manager Brekke to adjourn the meeting at 11:35 AM, **Seconded** by Manager Christian, **Carried.**

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April Swenby, Administrative Assistant

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Scott Balstad, Secretary