

SAND HILL RIVER WATERSHED DISTRICT

April 4, 2017

1. **Attendance:** Chairman Stuart Christian called April 4, 2017 to meeting to order at 8:03 AM at the District Office. Other managers present were Scott Balstad, JJ Hamre, Roger Hanson and Phillip Swenson. Two staff members were present: Daniel Wilkens – Administrator and April Swenby – Administrative Assistant. Others in attendance: Glen Paulson, Gerald Paulson, Zach Herrmann – Houston Engineering, Bill Downs – Landowner, and Joyce Downs – Landowner.
2. **Approval of the Agenda:** A **Motion** was made by Manager Hanson to approve the agenda as presented, **Seconded** by Manager Balstad, **Carried**.
3. **Minutes:** A **Motion** was made by Manager Hamre to approve the minutes from the March 13, 2017 meeting, along with the minutes from the informational meetings for Ditches 9, 119, 80 and Project 5, **Seconded** by Manager Hanson, **Carried**.
4. **Treasurer's Report:** A **Motion** was made by Manager Hanson to approve the treasurer's report for March, **Seconded** by Manager Hamre, **Carried**.

The managers reviewed their expense reports and reported on activities for the month. A **Motion** was made by Manager Balstad, to approve and pay bills, except for the SWCD balances which are listed for informational purposes only, **Seconded** by Manager Hanson, **Carried**. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

5. Engineer's Report

Nielsville Ring Dike: The report given at the Legislative Breakfast was noted that this project funding will be included in the bonding bill which will likely be voted on the last day of the session which is May 22, 2017.

Climax Ring Dike: Seeding will be completed this spring. Jeff Langan continues to work on the Operation and maintenance Manual, which is estimated to be 25% complete. Recording the easements are expected to be completed this summer.

Rock Riffles: Swenby met with the SWCD to write the reimbursement request for the MN DNR. The district is currently holding 5% (\$13,688.85 of the contract amount) for turf establishment. Herrmann expects to have a meeting this month to decide how the extra funds will be spent.

Targeted Watershed Demonstration Program (BWSR Funding):

- Carlson Coulee: Herrmann expects to have the survey completed before the next board meeting. After the survey, preliminary design can begin.
- Sediment Control Basins: The criteria are developed for prioritization.

FEMA flood plain map: Preliminary flood maps are schedule to become effective June 7, 2017.

Project # 24: Contractors are being solicited to solve the erosion problem surrounding the sheet pile structure.

Annual Ditch Inspections: Herrmann and Wilkens will perform annual ditch inspections next month.

Ditch 80: The landowners attended the March 13th informational meeting asked to look at extending lateral 2 easterly a mile as another option to evaluate prior to deciding on how to proceed. Dave Hauff stated that the petition would require modification with required signatures. Wilkens will

coordinate with Paul Engelstad to determine how the petitioners would like to proceed.

6. Dan's Monthly Report

RRWMB: The RRWMB met on March 21st at Moorhead, followed by a strategic planning session. Meeting highlights were given to the managers.

DWG: The next meeting will be on June 8, 2017.

Vesledahl Wetland Mitigation: Wilkens contacted John Williams (DNR) by phone and visited with John Jaschke at the legislative breakfast to discuss the lack of progression of establishing a legal ditch system in this area.

Maple Creek Project: Elliot Solheim completed the north section. Dave Johnstad has not started on the south section.

Web Site Upgrade: Final adjustments are being made on the permit database so that users can search the new database. Swenby has been diligently writing project descriptions for each of the district's projects to maintain a catalog of the districts history.

Building upgrades: Wilkens has been in contact with the local building center for a new roof and received an estimate for materials. Wilkens has contacted a local contractor for a better estimate on materials and labor to put on a new roof.

MAWD Summer Tour: A **Motion** was made by Manager Balstad appointing Manager Swenson as the voting delegate and Manager Christian as the voting alternate for the MAWD Summer Tour June 21 – 23 in Bemidji. If Manager Christian cannot attend the board can appoint a proxy such as Swenby or an Advisory Committee member. **Seconded** by Manager Hamre, **Carried.** Manager Hanson, Hamre and Balstad cannot attend.

The Managers discussed pay for a proxy. It was decided that the proxy would receive the same pay reimbursement as the managers.

PL566: Swenby has training with NRCS staff on Thursday to learn the reimbursement process for these funds.

Dave Aarends ROW concern: Wilkens reviewed the letter to Davidson Trust. As of March 23, Dave Hauff has not received a response.

Polk County Ditches 9 and 119: Wilkens and Herrmann met with Dave Hauff to address the following landowner questions from the informational meetings:

The Board's initial thought with conducting a redetermination of benefits for Polk County Ditch 9 and Polk County Ditch 119 was to eventually perform a separation and consolidation of all the connecting Drainage Systems. This process would involve Ditch 9, Ditch 119, Project 17, Project 20, and Ditch 80. A question came up at the public informational meeting yesterday about if a redetermination of benefits on each individual system is required before Consolidation. To save costs, the landowners would like to Consolidate the systems and have the new viewers report redetermine benefits for the consolidated system. That way they are figuring the entire system will pay for the redetermination of benefits and filter strips on their individual systems.

Question: Is this an option? These two systems are looking for easy ways to get the filter strips and cost associated with redetermination paid by the large area rather than their small area after redetermination. The district met with our attorney and have the following answers:

Answer: No. Redetermination of benefits must happen on all systems before consolidation. All systems would have to be recently redetermined before the consolidation could occur.

Question: Can the ditch system funds be used to purchase the required 1 rod filter strip, and are there any issues if the available benefits are less than the estimated right-of-way cost?

Answer: Yes. Ditch system funds can be used to purchase the filter strips. MN Statute allows for the funds to have a maximum balance of 20% of the benefits, or \$100,000, whichever is greater.

SHRWD Project 5: Wilkens and Herrmann met with Dave Hauff to address the following landowner questions from the informational meetings. Manager Swenson recused himself from the following discussions.

Question: To initiate the redetermination of benefits on an individual system, a finding must be made that either original benefits or damages do not reflect reasonable present day values and/or that the benefitted or damaged areas have changed. Can this be documented through discussion and recorded in the minutes prior to the motion and vote, or should there be some type of summary document drafted and approved by the board? This system would like to move forward with redetermination of benefits.

Answer: This can be documented through discussion and motion of the board to move forward with the redetermination of benefits. The board must conclude that the existing benefits do not reflect present day values and/or that the benefitted area does not reflect actual benefits.

A **Motion** was made by Manager Hanson to accept the following statement and proceed with the redetermination of benefits on Project 5:

A review of the Sand Hill River Watershed District Project 5 viewer's report has been completed. This viewer's report was completed in 1981, when the Board proceeded with consolidation of Polk County Ditch No. 17 and Norman County Ditch No. 2. Because significant time has passed since monetary benefit values were assigned by the Viewers, costs need to be updated to present day value to ensure sufficient benefits exist to properly maintain the Project. Also, high resolution LiDAR topographic data has been made available for the drainage area since completion of the 1981 viewer's report, and would allow for boundaries to be modified to better reflect the correct drainage area boundary, and ultimately further aid the Viewers in Redetermining benefits on Project 5.

The motion was **Seconded** by Manager Balstad, **Carried**.

A **Motion** was made by Manager Balstad to appoint the following 3 viewers. Eddy Bernhardson, Arvid Thompson, and Edwin (Bud) Johnson for Project 5, **Seconded** by Manager Hamre, **Carried**.

Polk County Ditch 80 Improvement: Wilkens and Herrmann met with Dave Hauff to address the following landowner questions from the informational meetings.

Question: Landowners would like to add approximately 1 mile to one of the petitioned laterals. Does the petition need to be revised for the SHRWD to begin to investigate? How do we do this?

Answer: The petition must be amended to include the additional channel length to allow the engineer to include this area as an option. This petition should be resigned by the landowners.

7. Other Business:

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

Bear Park Beaver: Gerald and Glen Paulson came before the board to discuss obstructions in the Bear Park project. The Paulson's feel there is maintenance considerations that he'd like to bring to the board. Paulson recollects that Houston Engineering told him this project would draw down the river and that the project would drain, not causing water impoundment except for where the structure is. Paulson feels there is a healthy population of beaver in that area, regardless of trapping and dam blowing. He is afraid that debris in the river is resulting in obstruction. He feels that more needs to be done.

Paulson stated that he did not feel it was up to the landowners to tell the board where the obstructions are, and he reiterated that it is the boards duty to develop a policy and procedures to locate and prevent obstructions.

Wilkens agreed that the board is responsible for maintenance of the project and keeping it clear of obstructions that impair the flow of the river, as per the court ruling.

The Paulson's were asking the board to change their position of responding to only dam complaints and maintain a position of preventing obstructions and being more proactive. Beaver trapping is certainly a step in the right direction, but felt it fell short of their duty as listed in the agreement.

Paulson's stated that Millers have a backhoe with a tremendous reach that clean the dams and remove the debris. He suggested regular use of drones. He stated that minimal funding has been spent on this project, less than \$15,000 in the last 20 years.

Wayne Goeken and Swenby will be touring the area this week and take photos and video with a GPS camera.

A **Motion** was made by Manager Hamre to maintain vigilance over the Bear Park project and create a schedule of inspections coordinated with our ditch inspections to be abreast of the obstructions on the river, implementing drone footage immediately if needed, **Seconded** by Manager Balstad, **Carried**.

Drone footage is estimated to cost between \$600-\$800. Manager Balstad wanted a firm estimate for future drone flights. Manager Balstad asked Herrmann to check Lidar to determine the actual fall.

Herrmann thought that Houston Engineering could get drone footage of the area within a few weeks. The area surrounding the river is marshy and the board discussed the feasibility of nearing the river with a backhoe.

8. **Permits:** No permits were brought before the board.

9. **Adjournment:** The next regular meeting will be held **Tuesday at 8:00 AM on May 2, 2017**. As there was no further business to come before the board, a **Motion** was made by Manager Hamre to adjourn the meeting at 10:23 AM, **Seconded** by Manager Hanson **Carried**.