

# SAND HILL RIVER WATERSHED DISTRICT

December 5, 2017

1. **Attendance:** Chairman Stuart Christian called December 5, 2017 to meeting to order at 8:11 AM at the District Office. Other managers present were Scott Balstad, JJ Hamre, Roger Hanson. Phillip Swenson arrived at 10:15. Two staff members were present: Daniel Wilkens – Administrator and April Swenby – Administrative Assistant. Managers Others in attendance Gerald Paulson and Glen Paulson– Bear Park landowners, 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, with the addition of employee evaluations, **Seconded** by Manager Hamre, **Carried**.
3. **Minutes:** A **Motion** was made by Manager Hamre to approve the minutes from the November 7, 2017 **Seconded** by Manager Hanson, **Carried**.
4. **Treasurer's Report:** A **Motion** was made by Manager Hanson to approve the treasurer's report for November, **Seconded** by Manager Balstad, **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, excluding 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

Climax Ring Dike: Houston Engineering continues to coordinate with Dave Hauff for obtaining limited use permits. The operation and maintenance manual is considered 95% complete. A final pay request was made by Spruce Valley. It was confirmed that MnDOT is satisfied with Reit Rock's paving. A **Motion** was made by Manager Balstad to pay \$19, 663.80 as the final pay request, **Seconded** by Manager Hamre, **Carried**.

Fish Passage: The MN DNR has authorized an additional \$10,000 to develop concept plans and cost estimate for the Kittleston Creek and Sand Hill Lake Dam outlet. The cost estimate will be used by the MN DNR to amend the LSOHC grant agreement. This work is underway.

Rock Riffles: The remaining funds from the clean water fund will be used to investigate riffle needs along the entire Sand Hill Ditch. The required survey will begin in the next 1-2 weeks to determine how many riffles are needed. Construction would be funded through a combination of LSOHC and CWF.

One Watershed/One Plan: The district discussed the benefit in pursuing the One Watershed/One plan.

### Targeted Watershed Demonstration Program:

Sediment Control Basins: There was nothing new to report.

Carlson Coulee: Herrmann and Stephanie Klamm of the DNR have been discussing the requirements for the protected waters permit. It is anticipated that a landowner meeting in January – February after the coordination with MN DNR on requirements for a public waters permit. Herrmann is hopeful that in the spring bids can be let.

Polk County Flood Plain: Herrmann and Wilkens continue to coordinate together to review the map of possible landowners who may require a LOMA.

RCPP (Upper Detention Sites): Hydraulic modeling work will begin in December. Field survey will be needed. The survey data from the Sand Hill Fish Passage and Grade stabilization project will be used. It was suggested that the cost of the survey data will be used as a leverage against the RCPP grant. Swenby and Herrmann will coordinate to keep records that satisfy the grant and keep track of the two projects.

**Dave Aarends:** Dave Hauff indicated that responsibility to pay Dave Aarends and the issue with the Davidson Trust are two separate issues and a ruling on the Davidson Trust will not remove any obligation to Dave Aarends. Everything Hauff has sent has been by certified mail and confirmed receipt. A **Motion** was made by Manager Balstad to proceed with formal legal action against Davidson Trust to seek reimbursement, **Seconded** by Manager Hamre, **Carried**. The district will continue to pursue seeking reimbursement from Davidson Trust.

**Ditch 80:** A public meeting is scheduled for this afternoon at 1:00 pm.

## 6. Dan's Monthly Report

**RRWMB:** The RRWMB met on November 21 in Ada. A meeting packet was given to the managers. Rob Sip was officially announced as the new Executive Director for the RRWMB.

**RRBC:** The RRBC has hired an Executive Director, Ted Preister.

**Drainage Workgroup:** The next meeting is scheduled for December 14 at the Farmers Union building by the capitol in St. Paul.

**Beltrami Diversion:** Ottertail Power has confirmed that according to their records the project shows completed.. Wilkens reported that after inspection, the wires appear to still be very low.

**Bear Park:** Two beaver dams are left to be removed. Ben Buchholz has been hired to blast dams and JC & J Trucking has been using the long stick backhoe to remove dams. JC & J Trucking charges an hourly rate. Wilkens displayed images that were submitted. Paulson informed the managers that the water is not down at the structure. There is a dam just west of the structure and Ben Buchholz, who has been hired to blast dams, has located it with the aid of Wendell Paulson. He has plans to blow it next weekend.

Paulson feels that the administrator has been dragging his feet. He did not have the cell phone number of Ben Buchholz and was disgusted that a cell phone in this day and age was not used to track down Ben Buckholz. Manager Balstad confirmed that the number he gave Wilkens was Buchholz's work number and Wilkens would have had no way to obtain his cell number. In response to Paulson's criticism regarding Wilkens, Wilkens stated he contacted Ricky Miller who communicated with Buchholz. Manager Balstad also contacted Ricky Miller who confirmed that Wilkens was in contact with him to obtain quotes for the upcoming meeting. Wilkens stated that he was given instruction at the November meeting to only obtain cost estimates and have them prepared for the December meeting, but the contractors wanted to go to work right away due to the unusually good weather. Wilkens contacted Manager Christian who verified with Miller the estimate costs and gave his approval to go ahead immediately vs. waiting until after the December meeting. Upon Chairman Christian's approval, Wilkens contacted the contractors and gave them the go ahead to do the job right away.

Paulson also asked that other trappers not be allowed to trap the area as multiple trappers do not work well together. Wilkens explained that other trappers were considered before Wendell's name was presented to the board as a trapper. A **Motion** was made by Manager Balstad to name Wendell Paulson as the designated trapper of the Sand Hill River Watershed District for the Bear Park project from Highway 59 to the Harstad bridge, **Seconded** by Manager Hanson, **Carried**. Wilkens will contact the other trappers to let them know that only Wendell Paulson is the designated trapper for the Bear Park project and inform them of the boundary.

**MAWD:** Emily Javens has been hired as the executive director of MAWD. Daniel Wilkens was the only representative from the Sand Hill River Watershed District in attendance.

**Building upgrades:** The RRWMB will be contacting us with their needs. The vent was installed, and carpeting is scheduled for installation starting tomorrow.

**Fish Passage:** The district is working on engineering to replace the culvert to Kittleson Creek and engineering the retrofit to the Sand Hill Lake dam to accommodate fish passage.

**Wayne Goldsmith:** Wilkens met with Wayne Goldsmith, Aaron Neubert, NRCS and Jeff Haverlind, area Technician. They will look for funding and do the surveying in the spring. They will also work with upstream landowner, Nathan Sweep, as it will take work on both properties to solve the erosion problem.

**Improvement of Ditch # 80:** A meeting is scheduled for 1:00 pm today to discuss additional information on alternatives.

**Vesledahl Wetland:** Manager Balstad suggested talking to a contractor who could plow in pipe or smooth wall regarding LeRoy Johnson's area. Manager Balstad reminded the board that the MnDOT did not get a permit to put in dikes and impound water, and a watershed permit is required. A permit was never submitted and is in violation. A meeting is scheduled for January. Manager Balstad suggested reviewing the maintenance agreement and easement.

Gerald Paulson asked why the watershed was involved in this area. Wilkens explained the purpose of the watershed district and how one of their main roles is to aid in the process of establishing and maintaining legal ditch systems. It is within our mission statement to provide assistance to the landowners of this area.

**Advisory Committee:** The terms of Phillip Swenson and Scott Balstad both expire in December 31. Minutes from the Advisory Committee meeting were given to the managers. Beginning January 1, Dan Vesledahl and Clayton Bartz were appointed to the Sand Hill River Watershed board of managers by the Polk County Commissioners, as recommended by the Sand Hill Advisory Committee.

The Advisory Committee meeting was scheduled after the November board meeting, thus the reason the meeting was not listed on Wilkens November report. Swenby explained that MN Statute states who is on the Advisory Committee and those that are on the committee were given notice. In the past, managers have not been mailed a formal notice of the advisory committee meetings. If managers have attended in the past is it not at the request of the board and they have been notified based off Wilkens monthly report. Manager Balstad suggested that the board managers be notified of all future Advisory Committee meetings, even though they are not listed as official Advisory Committee members. Swenby said she would make note of that, and post it as a meeting to avoid open meeting violations in the event of a quorum.

Gerald Paulson was interested in being a part of this board and contacted Chuck Whiting to express his interest in being on the board. Gerald Paulson stated that he was not notified of the Advisory Committee meeting and unaware of the process of recommendation. Paulson would like to serve on the Advisory Board.

Wilkens explained to Paulson that Jerry Jacobson informed the Advisory Committee of his willingness to serve at the advisory committee meeting that morning. It was not intentional by staff to not notify Paulson of the meeting. Likewise, Dan Vesledahl was also not given notice of the Advisory Committee meeting as the district in the past only sends notices of the meetings to those formerly on the committee (a list of committee members is on the district web-site). The county (Jerry Jacobson) did not inform the committee of Paulson's willingness to serve until the morning of the meeting.

Paulson suggested it wasn't coincidental that Manager Swenson made the administrator accountable for his actions and in turn wasn't recommended for reappointment. He quoted this being the "dirtiest" thing he'd ever seen. Wilkens explained that the Advisory Committee is made up of landowners and LGU's set by Minnesota Statute and have been given the role of advising the Polk County Commissioners by recommending people to serve on the board to represent the taxpayers of the district. Wilkens assured Paulson that as an administrator, he does not have a vote for who serves on the Sand Hill River Watershed District board and the decision for recommendation was made solely by the Advisory Committee.

Manager Swenson did not appreciate not being notified of the Advisory Committee meeting and felt that the meeting was underhanded to "get him off the board". Swenson stated that those behind this should be ashamed of themselves and questioned if the committee even discussed his name as a manager. To explain the decisions of the committee, Swenby asked Swenson to read the minutes of the Advisory Committee that were distributed. Swenby felt that according to the conversations that took place, the Advisory Board's decision to recommend Vesledahl and not Swenson was not because Swenson did something wrong; She

recollected that the committee focused on the strengths of all four of the candidates willing to serve. Swenson asked what his weaknesses were and Swenby said that they did not discuss the weaknesses of any one candidate, they only discussed the strengths of each candidate and what each one would bring to the table. Swenson said minutes can be typed anyway the typist wants them to and doesn't necessarily mean that's what happened. He said that he was only ten minutes late and this discussion had already taken place. He stated that the meeting was very cold.

Swenby apologized to Manager Swenson for not sending notices to the managers and will do so in the future at the request of the board and explained that in the past, it is was not routine to mail notices to the managers for the Advisory Committee. If managers were made aware of advisory committee meetings it was never by formal mail invitation to attend, it was by Wilkens calendar that was given at the regular monthly board meetings (and in this case, the advisory committee meeting was scheduled after the November board meeting). In the past the committee has discussed whether managers should attend the advisory board meetings and it was decided that everyone is welcome. The committee list will be made by the Sand Hill River Watershed District board and posted on the district web-site.

A **Motion** was made by Manager Hanson to add Phillip Swenson, Scott Balstad and Gerald Paulson to the Advisory Board, **Seconded** by Manager Hamre, **Carried**.

## 7. Other Business:

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

**The First Dam east of Beltrami, Dam # 1:** Manager Christian stated that he toured the area and it appears that the alignment of the downstream side of the structure is directed towards the south bank and will cause erosion and bank sloughing in the future. Herrmann will review this and check with the Army Corps Geotech.

**Grant Writing Class:** On the bills to be paid, a bill was proposed for \$125 for a grant writing workshop. The managers asked to discuss this and Manager Balstad felt this should be a board decision. A grant writing workshop catering to LGU's is scheduled for December. Wilkens explained that he thought it would be beneficial to the district to send Swenby. The budget allows for educating employees and Wilkens felt this would be a good area to expand in hopes that the district can continue to apply for and obtain grants. Wilkens stated that as administrator he should have the flexibility to be able to make administrative decisions throughout the month that are within the budget, especially when items like this arise where the registration deadline was before the next month's meeting. That is the way normal board, administrators work. The managers agreed to approve Swenby to attend the workshop.

### **Employee Evaluations:**

The managers asked Wilkens, Swenby, and Herrmann to step out as they evaluated the employees.

A **Motion** was made by Manager Swenson to not authorize pay increases for either employee. **Seconded** by Manager Balstad. Swenson and Balstad voted for the motion, Hanson and JJ voted no. Chairman Christian voted no. **The motion failed.**

A **Motion** was made by Manager Hanson to increase employee pay rates by 1 ½ % across the board to both employees, **Seconded** by Manager Hamre, **Carried**.

A **Motion** was made by Manager Balstad to establish a personnel committee to evaluate employees and for the hiring a new administrator in Wilkens retirement, **Seconded** by Manager Swenson, **Carried**. The personnel committee will be an ongoing committee in the future and will consist of the Chairman and one other board member. The other board manager to serve on the committee will be established at the time of the reorganization of the board in January.

Manager Balstad and Manager Swenson were discouraged with the amount of time it has taken for digitizing

the district records and criticized her for not having the project done. Swenby reminded the managers that filing/scanning is done part time. She invited them to review her hours any time to show how her time is allocated. She apologized for not meeting the expectations of Manager Balstad and Manager Swenson, and invited them to stop by anytime and see the system that has been set up and review her hours. Manager Balstad stated that his wife digitized the bank's records and it took her one year as a full-time employee designated with one duty; a contrast to Swenby's job description.

Swenby explained to the managers that she has been digitizing 40 years' worth of records for the nine months in both 2015 and 2016; records management has only been on average 2 days a week within those 18 months which is a maximum of 144 days designated for records management in a 2-year time (less than 144 due to holidays or vacation/sick days that arise). While she was hired full time beginning in September 2014-May 2015, she was hired only for the purpose of filing and organizing past records 2 days a week, not for digitizing as digital records management was implemented in 2015. Swenby told the managers she was very proud of the progress that has been made and assured the managers that she has strived to do an excellent job in the most efficient way; the records are organized and categorized to help aid any future employees of the district. She stated that in the past three years, not one manager has asked to see any of the filing or access any of the digital records to see the progress and encouraged every one of them to stop by and get a log in so they are able review the progress at their convenience. Zach Herrmann expressed his gratitude to Swenby for the excellent job she has done. He uses the records frequently which saves the district money and time.

Chairman Christian questioned Swenby's attendance at the RRWMB meetings as Manager Hanson is the representatives for the district and Wilkens is the alternate. Swenby felt that attending the RRWMB meetings benefits the district and that if the board did not see value in her attendance, she is happy to not attend. She has maintained regular attendance at the direction of Wilkens and does so in preparation for Wilkens retirement to stay in the "loop" to be able to help the new administrator that will be hired for the district and also help to aid in the succession. The managers agreed that Swenby's attendance is a good idea and wanted to clarify that attendance at the RRWMB meetings is on behalf of the Sand Hill River Watershed District, not for the alternative consulting Swenby does. Swenby assured the managers that additional consulting she does for the RRWMB is done on private time, and not Sand Hill River Watershed District time and she is diligent at recording her hours to maintain transparency and again invited the managers to review her time logs or scan her computer at any time. She has informed the RRWMB that all e-mails should be directed to her private account when not pertaining to Sand Hill River Watershed District business.

She asked for areas she can improve, and the managers did not offer any suggestions. She encouraged the managers to tell her if there are areas they'd like to see improvement as she currently looks to Wilkens for direction and feels that after today's discussion she needs to look onward to the board for an evaluation. If the managers have concerns or would like to see improvement, she cannot fix it if she does not know about it. Swenby asked the managers to consider providing written reviews of all job performances.

Manager Balstad asked Chairman Christian to privately speak with Wilkens regarding his evaluation.

8. **Permits:** No permits were brought before the board.
9. **Adjournment:** The next regular meeting will be held **Tuesday at 8:00 AM on January 2, 2018**. As there was no further business to come before the board, a **Motion** was made by Manager Hanson to adjourn the meeting at 12:25 PM, **Seconded** by Manager Balstad, **Carried**.

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April Swenby, Administrative Assistant

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JJ Hamre, Secretary