



**TITLE:** REGULAR MONTHLY BOARD MEETING MINUTES

**DATE:** APRIL 2, 2019

## 1. ATTENDANCE:

Chairman Stuart Christian called the April 2, 2019 meeting to order at 8:00 AM at the District Office. Other managers present were Clayton Bartz, JJ Hamre, Dan Vesledahl and Roger Hanson. One staff member was present April Swenby – Administrator. Others in attendance include Zach Herrmann – Houston Engineering, Dave Weirens - BWSR, Jim Curran – MnDOT.

Chairman Christian turned the meeting over to Vice-Chair Vesledahl at 9:45 AM.

## 2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Hamre to approve the agenda as presented, **Seconded** by Manager Bartz, **Carried**.

## 3. MINUTES:

A **Motion** was made by Manager Hanson to approve the minutes from the March 5, 2019 meeting, **Seconded** by Manager Bartz, **Carried**.

## 4. TREASURER'S/FINANCIAL REPORT:

April Swenby read the Treasurer's Report. A **Motion** was made by Manager Hanson to approve the Treasurer's Report for March, **Seconded** by Manager Vesledahl, **Carried**.

The managers reviewed their expense reports and reported on activities for the month.

The following bills were reviewed:

<b>Anderson, Bottrell, Sanden &amp; Thompson</b>	412.50
<b>April J. Swenby</b>	284.60
<b>Brandner Printing</b>	408.68
<b>CISport</b>	244.94
<b>City of Fertile</b>	39.00
<b>First Community Credit Union</b>	941.25
<b>Garden Valley Telephone Company</b>	241.41
<b>Houston Engineering</b>	5,510.25
<b>Mahnomen County Recorder</b>	46.00
<b>Marco - Lease Company</b>	2,122.20
<b>Minkota Technologies</b>	178.30
<b>Minnesota Viewers Association</b>	200.00
<b>Onstad Twp.</b>	120.00
<b>Otter Tail Power Company</b>	656.26
<b>Polk County Fair</b>	125.00

<b>Polk County Taxpayer Service Center</b>	46.00
<b>Premier Signs</b>	400.00
<b>Red River Basin Commission</b>	500.00
<b>Red River Insurance</b>	2,237.13
<b>Sam's Club</b>	440.13
<b>Sarah Wise</b>	110.00
<b>Todd's Landscaping</b>	390.00
<b>West Polk Soil &amp; Water Conservation District</b>	50.00
<b>Western National Insurance</b>	5,563.00
<b>Wild Rice Electric</b>	<u>263.72</u>
<b>TOTAL</b>	<u><b>21,530.37</b></u>

Swenby noted that the following bill was paid March 31, 2019. She noted reimbursement request for the RCPP program and the Project Team are date sensitive, thus the reason for cutting checks before the meeting. The check was cut and held and will be mailed upon today's meeting approval.

<b>Houston Engineering</b>	<u>10,880.00</u>
<b>TOTAL</b>	<u><b>10,880.00</b></u>

A **Motion** was made by Manager Bartz to approve and pay the bills, **Seconded** by Vesledahl, **Carried**.

Swenby noted that during the month of April, she would like to disburse payments for ROW on Ditch #80 and Project #5. The total damages/ROW for Project # 5 is \$43,551.75. Total damages/ROW for Ditch #80 is \$201,783.90. A **Motion** was made by Manager Bartz to disburse payments for Ditch #80 and Project # 5, **Seconded** by Manager Hamre, **Carried**. Swenby plans to send letters to all of the landowners requesting tax id numbers this week, before the issuance of payment.

**5. ENGINEER'S REPORT**

**LID:** Herrmann updated the managers on the Mn DNR's response to the original permit (see explanation in the Administrator's report). Herrmann will meet with WPSWCD for WCA rules. Herrmann was going to review if this ditch was there pre-project, and if it was, an easement may not be needed through this area.

**Kittleson Creek Outlet:** Plans were sent to Polk County Highway Department for review and were presented to the board. A permit application will be filed this month.

**Sand Hill Lake Outlet:** Mn DNR and HEI has met to discuss "Option 1" which will go around Ditch #83, and meander flows down the drop to reduce velocities. A plan will be developed.

**Targeted Watershed Demonstration Program (BWSR Funding):** Herrmann continues to work towards acquiring documentation from East Polk SWCD from previous investigations.

**Upper Sand Hill Detention:** NRCS Review Point 2 comment due date from the Project Team is April 4, 2019. Preliminary alternatives will be discussed in June at the next project team meeting.

**SHRWD Project No. 5 Redetermination of Benefits:** Landowner lists have been created. Herrmann checked the list against the property data from the Polk Co website to confirm that all

names were matching. For Norman County parcels, he backchecked against the county Parcel and also the recent property sales database. He reviews this with high confidence, but not a guarantee. The only way to do guarantee that no land has been sold or transferred in the past month would be to do a title search, which would be expensive. As an additional precaution, when Swenby asks for tax id numbers, she will insert a disclaimer asking for a signature verifying they are the rightful owner.

Herrmann is preparing a detailed seeding map for the seeder.

**Ditch # 80:** Landowner lists have been created. Herrmann went through and verified landowner names against the information that the county has available on their website. Like Project #5, he reviews this with high confidence, but not a guarantee. Swenby will also ask for a signature verifying they are the rightful owner.

## 6. BWSR – MNDOT – WETLAND BANKING SITE:

Manager Vesledahl submitted a statement recusing himself as a manager for this and future discussions/voting for the Vesledahl Wetland Banking Site. He has also recused himself from future discussions/voting regarding a legal drainage system in that area of the Banking Site. He will be entering into discussion at the call of the chair, as a landowner, not a manager.

Dave Weirens presented a final draft to the Memorandum of Understanding, of which was given to the managers. Additionally, Weirens submitted a report and site map generated by BWSR engineering staff in response to the tour held on June 15, 2018. The report proposes that corrective actions be performed at a number of sites with the Vesledahl Wetland Bank Property, to be funded by BWSR. Weirens has asked for board review, comments and questions on this report. Weirens suggested that the proposed plan is only ¼ maintenance on the site, and the rest is due to design issues. Weirens will forward to Swenby all of the expenses that have incurred since the project origination, so that the board can get a sense for past maintenance costs vs design inadequacy costs.

Weirens stated that BWSR's plan does address the concerns of the area. Mark Morvig's property was discussed and his seepage issue. Weirens did not believe that area was addressed in BWSR plans, but it was his understanding that it was resolved. Swenby will talk to Morvig to verify.

The conversations shifted to the obligations of the district and the restrictions placed on the land should the land be transferred. Weirens stated that there is no problem with landowners cleaning the community ditch in Section 27. MnDOT suggests a permit and it was suggested for the landowner to follow the property line. Currently the requirements are that if a landowner receives a permit to clean a community ditch, seeding is required. The managers asked for that stipulation to be revisited, as it is reasonable to assume that existing vegetation will come up through if the spoil is spread thin. Dave Weirens stated that it does sound reasonable that seeding would not be required, but he will check with the folks in St. Paul, and let Swenby know.

It was verified that the district balance for maintenance fund of the Vesledahl Wetland Banking site can be used for legal ditch system establishment, legal ditch system maintenance, or Wetland Banking maintenance, and at the managers discretion. This will be included in the MOU.

Herrmann asked if FEMA money can ever be used on wetland banking sites, in the event of a catastrophic event. Weirens stated that BWSR is aware of catastrophic events and will have those discussions for cost sharing at that time, should something like that be needed to keep the wetland in compliance with its easement.

Weirens asked the board to engage in a discussion regarding the proposed work on the Vesledahl Wetland Banking Site. He suggested that the district facilitate the work, hiring local contractors. Weirens also confirmed that to move forward, the district, MnDOT and BWSR will need to agree to language in the MOU.

The board engaged in discussions about possible maintenance and restrictions. It was suggested that an O&M document be drafted to coincide with the easement. This will ensure that current and future landowners will have a document in writing, that clearly lays out the obligations as a landowner. Weirens will provide a draft O&M document for board review.

Weirens would like to communicate with the landowners soon regarding the proposed plan for the area.

## 7. ADMINISTRATOR REPORT:

Chairman Christian left the meeting, turning it over to Vice-Chair Manager Vesledahl.

**Calendar and March Work Plan:** Swenby highlighted her calendar for April.

**FDRWG March Annual Conference:** Manager Hanson and Swenby attended the FDRWG March Annual Conference on March 20 and 21.

**Drainage Conference:** Swenby attended the drainage conference March 19 in Moorhead.

**MPCA biological assessment staff:** The MPCA Biological assessment staff met with Stephanie Klamm, Zach Herrmann and Swenby on March 7, 2019 at 1 PM to discuss Use and Attainability of the Sand Hill River. The MPCA will monitor various areas of the Sand Hill River to determine attainable goals for the areas they are monitoring. They measure the biological integrity of the areas, and categorize the stream [Tiered Aquatic Life Uses](#) (TALU). The presentation given was made available to the managers. The assessment team will seek additional recommendations from the project team in June, and will meet again asking the board to input their draft assessments in the winter of 2020.

**Project Team Meetings:** A Project Team meeting was held March 7, 2019 at 10 AM. Meeting minutes were made available. The project team was asked to review the purpose and need and scoping of resources and submit comments by **April 4, 2019**. The project team will meet again in June.

**WRAC Meeting:** Water Resource Advisory Committee met on March 12, 2019 in Crookston. Those in attendance included Environmental Services, RLWD, Joan Lee – Polk County Commissioner, EPSWCD and WPSWCD (absent but normally attending include Stephanie Klamm and Emily Hutchins from the MnDNR). This is an opportunity to stay involved in all areas of water management in Polk County. The district has not participated in these meetings in the past, but will continue to represent moving forward. They meet quarterly.

### **Partnering Agencies:**

- *Norman County SWCD:* Swenby met with the Norman County SWCD on March 14. Good discussion about possible the future working relationship with clean water areas and 1W1P.
- *EPSWCD:* Swenby will attend the EPSWCD meeting on April 11, 2019 at 9:30 AM. (Moved to the 11<sup>th</sup>) Their annual planning meeting is also scheduled for that day.
- *WPSWCD:* Due to scheduling conflicts, Swenby will meet with WPSWCD on April 18, 2019 at 7 AM.

- *Polk County:* Swenby had scheduled to meet with Joan Lee for a lunch meeting February 25 in Fertile. Due to the weather, Lee was unable to meet. This will be rescheduled. Swenby has tried to reconnect the week of March 25, but Lee was unavailable. Swenby will continue to schedule a meeting with Joan Lee.

**Building project:** A copy of the Buffalo Red River Watershed District's building plans was made available. Additionally, Swenby toured the Valley Technology Park in Crookston during the WRAC meeting and was able to track down the plans for that space, and they were distributed. Additionally, Swenby presented area maps for possible building locations. Swenby has approached the City of Fertile for possible locations listed on the map and the City will be discussing this at their next council meeting next week.

**Minnesota Ground Water Association Foundation (MGWAF):** Swenby has applied for a MGWAF grant that applies for funding for watershed and water quality education. The idea is to use the funding towards watershed education banners for the fair and for the Watershed Days that the district participates in with the youth of our district. Swenby provided an example of a banner and graphics she'd like to purchase, but the graphics which display the way a watershed works are expensive. The managers have already approved \$1,000 toward the purchase of banners and higher quality displays for the Polk County Fair Booth. The grant proposal was for an additional \$1,000. In the future, Swenby would like to expand the education and outreach by purchase a 3-d model for display and interactivity. The managers asked Swenby to obtain a cost estimate for the model for next month.

**Watershed Delineation and Hydrology Report Tool (WDHRT):** Information was included from Chuck Fritz with details about the tool was provided to the board for decision making. In summary the online Watershed Delineation and Hydrology Report Tool (WDHRT) was developed in 2013 (Red River Basin Decision Information Network Project Planning Tool). The WDHRT will allow users to delineate watershed basin (up to 8 digit HUCs) and small catchments and generate a hydrology report. The International Water Institute will (IWI) will update and host the WDHRT as part of the current IWI Map Portal (<https://gisapps.iwinst.org/map-portal/>).

A **Motion** was made by Manager Hamre to contribute \$1,313.86 (Sand Hill River Watershed's share) for the tool for use of the district, **Seconded** by Manager Bartz, **Carried.**

**Desk Drawers:** Swenby proposes purchasing 7 desk drawers for the meeting room board table. A **Motion** was made by Manager Hanson to purchase 7 desk drawers, **Seconded** by Manager Hamre, **Carried.**

**Rules and Regulations:** The amended rules have been filed with Mahnomen and Norman County. BWSR has completed its final review in conformance with state law and has concluded that the district rule contains adequate provisions for compliance and enforcement of MN Stat. 103F.48 (the buffer law). BWSR had determined the district to be "with Jurisdiction" in accordance with MN Stat. 103F48 Subd. 1.

**Drainage Work Group:** The managers were given a written update from Al Keen, BWSR on the Drainage Work Group.

**LSOHC Grant/Fish Passage:** Nicole Berndt set up a meeting at the Sand Hill River Watershed District office on March 11, 2019 to discuss the financial status of the excess funds from the BWSR Clean Water Fund Grant. Those funds would need to be expended by June 30, 2019, and it was determined that there is not enough time to complete additional work for those funds by that date. However, there is funding through the LSOHC to continue efforts for habitat. The group looked at amending the fish passage grant towards other objectives in the Sand Hill (Co. Road 44 and other bank sloughing areas). Nathan Olson suggested alternatives for bank stabilization that enhance

habitat by using tree stumps. Swenby has call and met with local landowners to get a feel for interest and contacted the Golf Course Administration to ask about areas along that stretch that may qualify. Many areas were identified, and landowner reception was positive. This spring the group decided to tour the areas.

Herrmann has developed a table highlighting a current cost outlook, however it is tentative due to unknown factors such as expenditure of the Eco-Footprint Grant for eligibility for match against the LSOHC grant, State-Aid funds that will be applied to Kittleson Creek, and actual costs of construction.

Throughout the month, Swenby has been working with Jamison Wendell to learn the grant tracking system for the LSOHC grant funds. The district is amending the grant to request \$177,000 (funding that was returned to the US Army Corp of Engineers in December) and apply it to the 9 of the additional riffles that will be installed this summer. The remaining 8 riffles that will be installed will be amended to Phase 2 LSOHC grant for habitat regarding the riffles expansion. Additionally, Swenby will keep track of her hours in a separate spreadsheet to use as district in kind match. Outdoor Heritage Fund Accomplishment Plan amendment has been submitted on March 27.

**Permit Planning Publication:** The WRWD has placed a publication in the newspapers asking landowners to submit a permit for their projects and the publication reminds them of the permit requirements. Swenby drafted a similar publication catered to the Sand Hill and Swenby proposes placing this in the Fertile Journal and the Fosston Times. This may help remind landowners that a permit is required, especially now that the Rules and Regulations implement a fine. The board agreed, adding additional suggestions for the publication.

**Sand Hill Lake/Kittleson Creek Outlet:** Swenby provided a copy of the contract that was drafted and submitted to MnDNR to move forward for reimbursement on the Sand Hill Lake/Kittelson Creek Outlet as delegated to Swenby last month.

**Ditch Seeding:** Swenby met with Berhow Sodding and provided maps for the areas along our legal ditch systems that will need seeding from the ditch cleanings that took place last fall.

**Project #5:** At the Annual Conference, BWSR met with Swenby regarding the district buffers. It was noted that there is buffer money for seeding - \$200 per acre. Swenby is working with the BWSR to determine if the time spent applying for the costs is beneficial for the landowners assessed in Project # 5. Herrmann said that the district has purchased additional ROW for maintenance. The managers decided to only seed what is statutorily required, but to send a letter to the landowners letting them know that the easement extends for repair to meet future needs.

**City Ring Dikes:** Swenby has recorded the Quit Claim Deed signed last month with Polk County.

**Nielsville Ring Dike:** Swenby had a phone conversation with Ron Harnack. He offered a history of the Nielsville Ring Dike and suggestions to proceed forward. Much of the efforts for the dike have been initiated by the district. Swenby contacted the City of Nielsville to suggest a resolution on their behalf showing interest and need for the dike and sending their requests to the legislatures. At the time of the conversation, the City Clerk did not know the council's position for the dike and if the City of Nielsville would like to continue pursuing flood protection. The council will have that discussion in April at their next council meeting. If the City would like to continue moving forward, the next step is to ask the County for their support. If not, the district will need to decide their position and transfer funds to remove the negative balance on the fund balance sheet.

**Bear Park Obstructions:** Swenby met with Gerald Paulson to discuss the plans that the district has moving forward to keep the river flowing and free from beaver dams. Paulson also requested to view the records of the SHRWD pertaining to Project # 1. As noted in our minutes from March 2018, the

district has made a motion/second to inspect the area two times a year to determine and remove any beaver obstructions or obvious areas where flow could be impeded. Swenby will schedule a tour this spring of the area. Paulson confirmed to Swenby that his requests ask for the district inspection from the Mahnomen/Polk line to the Krogstad Bridge for impairments to flow. Paulson suggested that during each semi-annual inspection, the district consider performing a follow-up inspection after any impairments are removed to inspect for "old" beaver dams when the water is lower. Swenby assured Paulson that she will remain proactive and place routine inspections on her calendar, also informing him that the beaver trappers have been contacted and hired for removal of beaver for this spring. In their discussions it was noted that the district will not remove dams until the problem beaver have been removed.

In April, Swenby plans to contact the beaver contractors for a progress report.

**Ditch Mowing:** Swenby has solicited several ditch mowing policies from the counties, and the other local watersheds. After research, Swenby thinks the one that makes the most sense is a policy that incorporates a release form, similar to the RLWD. A copy was provided to the manager.

The suggested policy is that landowners would have until June 15<sup>th</sup> to mow/bail within the R/W with a signed release. After June 15<sup>th</sup>, the SHRWD would reserve the right to mow/bail the R/W at their discretion as a ditch expense. Landowners could still mow/bail after June 15<sup>th</sup> provided that the SHRWD hadn't already completed it.

With Herrmann's help, Swenby has asked the attorney for guidance on a process to establish a policy, and also ensuring that any other statutes related to mowing/baling of established grass through a 103E drainage system. Swenby also asked Hauff for eligible dates for mowing based on state statutes. She has heard varying requirements for this, such as limited mowing for wildlife concerns and wanted to be sure that the district is following the statute for their policies. Hauff has verbally responded to the policy propositions but will follow up in writing with his recommendations.

**Beaver Bounty Program:** Three additional Townships have returned their contract to participate in the program, which is a total of fifteen townships. The web-site has been updated to reflect the changes and new participants.

**Union Lake Pumping:** Swenby, Herrmann, Wilkens and Chairman Christian and Lonnie Paradis met March 5 to discuss the findings and review the cost estimate for the area who was receptive of the proposed plan. Swenby, Herrmann and Chairman Christian also met with the LID March 28, 2019 for LID board for direction. The day of the March 28th meeting Stephanie Klamm reviewed the plan Herrmann had sent her as a precautionary to the proposed work. Klamm said that it looks like the culverts were to be set at 1208.0 (1929), but the ditch was not to be dug that low. The permit approved had a conditions stating that the water levels on Union and Sarah stay at or around their OHWL. This would mean that the ditch level must remain at the 1211.4 (NGVD 1929) which shows in the permit. The intent of the interconnection was not to lower Lake Sarah below the OHWL, but to equalize the water levels between the two lakes. Any change to that elevation of 1211.6 would lower the lake. She said if they allowed the ditch to be cut down 2' (1209) that would drain Lake Sarah more, and lower the water levels on a lake that is already low. She advised keeping the project as is as the best solution right now. As to if the district could cover up the ditch, she thinks that would be something that WCA would have to weigh in on as well. She would like to meet with the district, WCA and MNDNR regarding the area we'd like to cover up.

At the Meeting on March 28, 2019, the LID recommended that the district pursue the possibility of closing the ditch near the land Bryan Boll would like to purchase. If the property is unable to close the ditch, then the pipe may be a mute conversation. The LID was concerned with the unobtained easements and would like those finalized as soon as possible. Swenby has contacted Bryan Boll and updated him on the progress and status.

Swenby and Paradis will meet with Mike Doyle on to discuss the easement options on his area. After the meeting today, Swenby and Herrmann will be discussing the other easements that need to be secured.

Wilkens would like to continue his efforts towards the development of the gage. All that is left is a sign, and Lonnie Paradis stated at the meeting on March 28, 2019 that he will work with Wilkens to develop a sign as he has someone in his office who is able to do that.

**Ditch # 80:** PFM Financial Advisors LLC has forwarded a schedule for bonding payments. Swenby has been working with PFM Financial Advisors and Polk County to send up repayment. Two schedules have been developed. **Schedule 1** (recommended) offers a higher principal payment initially and slowly decreases. **Schedule 2** offers a smaller principal payment initially. At the end of 20 years, schedule 1 will save taxpayers over \$20,000. Ron Denison from Polk County, stated that the higher premium quite likely won't be a substantial issue, as many landowners come in to pay the whole assessment at one time giving the county money to place on the principal initially anyway. A **Motion** was made by Manager Bartz to proceed forward with Schedule 1, **Seconded** by Manager Hamre, **Carried**.

**Vesledahl Wetland Mitigation:** Swenby, Manager Hanson and Dave Weirens met at the March Conference to discuss the alternative option of transferring only the corridor needed for a legal ditch system. Weirens suggested that the district take over the land, and parcel it out as they wish after the transfer. A lot of discussion was had regarding the risk for potential future problems with the site, noting the site does not have an assessed area. Weirens will consider offering the Vesledahl Wetland Banking fund balance to be used at the boards discretion for wetland banking maintenance, drainage maintenance, or drainage establishment. As confirmed this morning, he was open to adding this to the MOU. After the conversation, Swenby has put in writing asking Weirens for the following to help the district better review risk assessment:

1. As-Built Construction Plans
2. Construction Specifications and Plans
3. Seeding plan (if not included in the plans and specs)
4. Bid abstract (both seeding and construction, if separate)

Weirens presented this information to the district this morning.

Swenby has reached out to Mark Johnson and has brought up the managers thoughts regarding the MOU and the transfer and the discussed the alternative options with Johnson that the board discussed in March. Senator Johnson would like to see a risk assessment report. He was also going to speak to John Jaschke about the issue, urging BWSR to help support the Watershed provide solutions to the constituents of the district.

The board discussed many possible issues in the area, namely ditch cleaning and the processes for cleaning ditches within the wetland and permits required and non-permitted ditch plugs in the wetland banking site. Before the district acts on the MOU, the board supported the idea of an O&M and would like that finalized in conjunction with the MOU. The managers have a few suggestions for the MOU and asked Swenby communicate the changes with BWSR and MnDOT.

Herrmann will create an overlay of BWSR's proposed plan. Swenby will reach out to a few named landowners in the area to get a feel for possible deficiencies that would propose future costly problems for the district.

**West Polk Sediment Basins:** Nicole, WPSWCD, has forwarded plans of possible sediment basins for a landowner west of Fertile and provided plans and proposed costs. The WPSWCD has a

substantial balance in the SHRWD district allocated funds to used towards these sediment basins.

**Norman County Sediment Basins:** The Norman County SWCD has provided the attached construction plans which were developed by NRCS to control runoff into a large gully on Krebs Trust property farmed by Kevin Leiser in Section 1 and 2 of Spring Township in Norman County. Currently, the water flows from this location for about a mile to the Sandhill River. There is a meeting scheduled for 10:00 am on Tuesday April 2<sup>nd</sup> at the USDA Service Center in Ada to discuss the possible construction and funding sources for this project. The SWCD did not know what dollar amounts will be available from NRCS and our Soil and Water District yet. The landowner will need to provide a major portion of the cost involved with completing this erosion control project. While this isn't a sediment basin, the structures planned are terraces that will collect the runoff and hold water back behind lines of earth fill with enough storage to force that runoff through a tile line drain pipe which will outlet at the lower end of the slope. The drainage will be held for a shorter period of time than would be designed into a sediment basin structure. This would be similar to a sediment basin design to slow up the runoff without the ability for a day or two of storage time because of the large drainage area involved. The design is intended to prevent overland flows and to keep the gullied area from getting larger sending more silt downstream.

The Norman County SWCD has a balance of \$30,000 in their sediment basin account. Due to the landscape of their territory, and the limited acres in our district, they will have limited opportunity to sue the amount set aside for sediment reduction. The SWCD is asking for board consideration, to use their reserve towards this project, with the same guidelines as the sediment basin program, where the landowner has a stake in the project. A **Motion** was made by Manager Hanson to contribute 25% as done with the sediment basins, matching a 25% landowner share for this project, using the balance set aside for the NCSWCD, **Seconded** by Manager Hamre, **Carried**.

**Public Information Guidelines:** A landowner of the district called on March 27, 2019, stating that our minutes from March 5, 2019 were not posted on our web-site and minutes that are not posted within 5 days of a meeting results in a law violation. In the past, the district has always been diligent at posting the minutes the same day that the managers receive their minutes, which is usually 3-5 days before the upcoming meeting. Swenby told the landowner that the district aims to be in compliance of all laws and would do some research on this law.

According to the web-site of MN Department of Administration, the Open Meeting Law is silent about the timing on the release of meeting minutes. Various advisory opinions have discussed that notes taken at a meeting for the purpose of preparing minutes, and minutes in draft form, are public data and must be provided to anyone upon request (see Advisory Opinions [04-018](#) and [00-030](#)). According to 00-030, documents that have not been prepared, are obviously not public information, however, draft minutes are a matter of public information and can be distributed as such to the public if they are complete, but they should be labeled as such. According to the MN Department of Administration web-site, there are no timelines in law for the submission of draft minutes. The MN Department of Administration did e-mail Swenby a response to the compliance question, and they confirmed in writing that "There are not any provisions of the Open Meeting Law or the Data Privacy Act and the laws of their office do not deal with addressing the timing of posting. The district has adopted the Data Privacy Policy which would allow the public to request information that is public, if documents have been created. There is no need for the Data Privacy Policy in this instance, as the district already makes this information public via the web-site, before each next regular monthly board meeting.

In passing, Swenby asked the district attorney who confirmed there are no laws that require the posting of minutes or the timelines for such documents, however, the laws state that when the document is created, it should be available for the public, which is why the district has the Data Privacy Policy. The attorney was unaware of any laws requiring the posting of minutes on a web-site.

Swenby would like the board to adopt an internal policy for public information regarding items such as minutes. As an internal policy, it is suggested that the district make every effort to post their minutes of their regular monthly meetings, at a minimum of 24 hours before the next meeting date, labeling them DRAFT. Minutes posted are a courtesy to the public. A **Motion** was made by Manager Bartz to adopt an internal policy recommending that regular monthly board meeting minutes should be posted on the district web-site no later than 24 hours before the next meeting and labeled draft, and be done so as a public courtesy, **Seconded** by Manager Hanson, **Carried**.

**Permit Database:** The district has all permits to date, updated and in the database, except for marking locations. This takes significant staff time. Swenby has received a cost estimate from Houston Engineering to automate our permits system, allowing users to fill out a permit on-line. Their application automatically is entered into our database along with their attachments. There will still need to be staff time, for scanning the approved and signed permit applications and mailing approved statuses to landowners, however the entry of every permit will significantly reduce the need for staff time and provide a real time permit database for landowners, constituents and public agencies like the MnDNR. The cost estimate was between \$1,920 and \$3,800 depending on the options we choose and deem best for the district and its users. The managers decided to table this until a full board is present.

#### 8. OTHER BUSINESS:

There was no other business brought before the board.

#### 9. PUBLIC COMMENT:

There was no public comment brought before the board.

#### 10. PERMITS:

One permit was presented to the board. A **Motion** was made by Manager Hanson to approve the following permit, **Seconded** by Manager Bartz, **Carried**.

2019-01 – Norman County – Along Roadside of Section 4, 9, & 16 – Bear Park Township - major work includes replacing centerline culverts

A **Motion** was made by Manager Bartz to approve the presented letter to landowners in section number 7 of Hubbard Township regarding a permit violation, **Seconded** by Manager Hanson, **Carried**. The plug should be on grade with the field level. The deadline date was set for June 15.

#### 11. ADJOURNMENT:

The next regular meeting will be held Tuesday, May 7, 2019 at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Hanson to adjourn the meeting at 12:09 PM, **Seconded** by Manager Bartz, **Carried**.

---

April Swenby, Administrator

---

JJ Hamre, Secretary