



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: MARCH 3, 2020

1. ATTENDANCE:

Vice - Chairman Dan Vesledahl called the March 3, 2020 meeting to order at 8:00 AM at the District Office. Other managers present were Clayton Bartz, Craig Engelstad, and JJ Hamre. Managers absent include Stuart Christian. One staff member was present April Swenby – Administrator. Others in attendance included Zach Herrmann – Houston Engineering, Chuck Fritz – International Water Institute and Nicole Bernd – West Polk SWCD.

2. APPROVAL OF THE AGENDA:

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

3. MINUTES:

A **Motion** was made by Manager Engelstad to approve the minutes from the February 4, 2020 meeting as presented, clarifying the location by adding the language “overtops the East/West crossing, downstream of where the ditch enters Kittleson Creek”, **Seconded** by Manager Bartz, **Carried**.

4. TREASURER'S/FINANCIAL REPORT:

Swenby read the Treasurer’s Report. A **Motion** was made by Manager Hamre to approve the Treasurer’s Report for February, **Seconded** by Manager Engelstad, **Carried**.

The managers reviewed their expense reports and reported on activities for the month. The following bills were reviewed:

Anderson, Bottrell, Sanden & Thompson	1210.00
April J. Swenby	364.09
EcoLab	53.57
First Community Credit Union	40.20
Garden Valley Telephone Company	417.34
Houston Engineering	55,464.22
Otter Tail Power Company	618.36
Polk County Tax Payer Service Center	230.00
Red River Basin Commission	5,000.00
Sarah Wise	48.00
Stuhaug Sanitation	46.80
Todd's Landscaping	110.00
TOTAL	<u>63,602.58</u>

Additional Bills that were presented that were not listed on the bills to be paid report due to timing of when the report was created include:

City of Fertile	51.70
Wild Rice Electric	<u>136.38</u>
TOTAL	<u>188.08</u>

A **Motion** was made by Manager Engelstad to approve and pay the bills with a total of \$63,790.66 **Seconded** by Bartz, **Carried**.

5. **CHUCK FRITZ – WATERSHED DELINEATION TOOL:**

Chuck Fritz presented the watershed delineation tool to the managers and offered a training session for using the tool. Discussion was held regarding the update of LiDAR for the Sand Hill River Watershed District.

6. **NICOLE BERND – SEDIMENT BASIN FUNDING REQUEST**

Manager Engelstad recused himself from the discussion and voting for this agenda item.

Nicole Bernd - West Polk SWCD presented alternative proposals requesting alternative cost sharing ideas for four planned sediment basins. The original cost-share program that was approved by the board requires the landowner pay 25%, the SWCD will pay 50% (usually they have grants to pay for their 50%) and the district pays 25%. All of this goes through the SWCD and SWCD's send the district a bill for 25% of the costs. The proposed sediment basins are unique because there are no grant dollars associated with these proposed projects.

As a precedent, Swenby pulled the August 2019 Meeting Minutes as a reference where an accommodation was made for funding allocation for the Norman County. In this case, there was a grant that exceed 50%.

The WPSWCD has about \$64,000 in the district account allocated for sediment basins.

A **Motion** was made by Manager Hamre to table this discussion until a full board is present, **Seconded** by Manager Bartz, **Carried**.

7. **ENGINEER'S REPORT:**

Polk County Ditch 9 Breakway (project # 17): Houston Engineering is performing a hydraulic review of the break out.

Union Lake Sarah Outlet: Herrmann submitted a land description for an easement for attorney review for the area under the county road. Herrmann provided a copy of the language to the managers.

Project # 32 – Ditch # 80: Herrmann continues to work with the contractor for the schedule for completion.

Kittleson Creek Outlet: The box culverts have been set and backfilling is complete. There will be additional backfill work required in summer 2020. Conditions will be monitored to determine the extent of the additional work that is needed. The final grading will be completed in summer 2020.

SH Lake Outlet: The construction is nearly completed.

Poissant Bridge Removal: The funding for the preliminary design has been approved by the MnDNR and the design process has begun.

RCPP: The subcommittee met February 26, 2020. The committee recommends continuing with the project team process and developing a concept level design to better understand implementation costs.

Clean Water Fund Grants: Herrman continues to work on the information needed to apply for CWF grants for the SH River West of PC #44, the Brady Kroenig water retention, Section 28-33 of Liberty, and the Geomorphic assessment.

8. ADMINISTRATOR REPORT:

CD Investments: Two CD's were renewed for one year at 2.25% interest in the CDARS program.

Union Lake Pumping: All conveyance easement documents were signed and recorded.

MN Association of Drainage Inspectors: Minnesota Association of Drainage Inspectors Annual Meeting is March 16, 2020 in Wilmar. Meeting information was provided to the managers.

City of Nielsville: In January, a letter was sent to Bill Brekke to address his concerns and he has formally been asked for his support of this project. Brekke has verbally approved the district to move forward with legislation efforts for the ring dike. Swenby will be assisting the county and the city with letters for our legislatures for presentation at the Legislative Breakfast.

LSOHC Grant: The grant agreement will need amending to include the Poissant Bridge project. A phone conference was held Monday March 2 to discuss the amendment, what is needed and how to transfer money allocated from one grant to the other to accommodate deadlines. Swenby was told to prepare to testify before the council for the amendment to be approved, which will take place in the cities in May.

Additionally, Swenby was informed that the Council is asking for staff to schedule program update presentations that include video and images. They will be requiring staff presence at these presentations. Swenby will be working on the district's presentation. Swenby will be utilizing Houston Engineering video experts and their software to develop a suitable video. The video creation is a direct expense of the project.

Vesledahl Wetland Mitigation: One conference call meeting was held in February. Meeting notes are attached. Another one was scheduled for February 28 but was cancelled at the request of Mark Johnson. Instead, Johnson held a meeting February 25 in the cities. The watershed was not included in on this meeting and was informed only at the time of the cancellation of the February 28 meeting. Swenby noted that in her conversations with Johnson, MnDOT was given two weeks to present a plan of action. Swenby will be in contact with Johnson in two weeks to discuss the option preparing legislation.

In my conversations with MnDOT will be using the Resolutions Report that was drafted by BWSR last year in their plan of action. MnDOT would like to include BWSR with some of these solutions. MnDOT has asked us for comments on the Resolutions Report that was distributed in 2019. A copy of the Resolutions Report and the district response to MnDOT was provided to the managers. Swenby noted that the district response was also provided to Mark Johnson.

RCPP Planning: Committee members (Manager Vesledahl & Manager Hamre) met with Herrmann and Swenby on February 26 to discuss alternatives. The committee recommends moving forward with project team discussions.

FDRWG Meeting: Swenby attended the FDRWG Meeting on February 19, 2020 in West Fargo. The BRWD and the Sand Hill were given the floor to explain mutual concerns regarding membership issues. The committees will meet, and a decision will be made. Swenby noted that the FDRWG appeared divided. The meeting packet was provided to the managers.

SH Ditch: Last month the managers were told that Herrmann was asked to review areas of buffer infringement along the legal ditch system known as the SH Ditch. Swenby spoke with Al Keen and Tom Giles at BWSR for more information about the requirements of the buffer, questioning if it was the district responsibility to enforce the 16.5' buffer as required by 103E drainage law or the 50' buffer as required by state law. In summary, it was noted that the district is only required to enforce the 16.5'. However, annually, when the district reports how many miles of ditches the district enforces, the SH ditch was included and upon that reporting, the district was compensated for the enforcement of the 50' along that stretch. The district does have the option to remove that portion, but the consequence would result in non-compensation for the enforcement.

Because the landowners are required and are currently working with the SWCD's towards compliance, Swenby suggests keeping the enforcement responsibility within the Sand Hill River Watershed District.

Buffer Enforcement Funds: When Swenby was investigating the buffer for the SH Ditch, she inquired about the buffer enforcement money that has been received and what the restrictions are for using the funds. She was told that the money is to be used to support riparian land management and enforcement. There are currently no reporting requirements for how the money is being used, but it was suggested that the district record for justification of how it is spent. Tom Giles said that some watersheds are using it towards more robust inspections, cost share programs with the SWCD's for things like side inlets, or equipment purchases. Swenby specifically asked about managements such as spraying the grass buffer strip and the side slopes for broad leaf and was told that is arguable justifiable to use the funds to manage vegetation on the riparian lands to ensure vegetation can support and help stabilize the banks. Ultimately it is a board decision on how to use the funds for enforcement.

SH Lake Outlet: Swenby toured the area with the MnDNR on February 24, 2020. Photos were provided to the managers.

1W1P: BWSR is hosting a meeting, Building Capacity for Watershed-Based Funding in the Red River Basin, during the morning of March 10, 2020 prior to the start of the 22nd Annual Joint Conference of the Red River Watershed Management Board and the Flood Damage Reduction Work Group at the Marriott Hotel in Moorhead (meeting documents were provided to the managers). The purpose of the meeting is to bring together staff from soil and water conservation districts, counties, and watershed districts to begin a discussion of the issues, challenges, and opportunities to put watershed-based implementation funds on the ground. The chatter about this meeting is that annually, there is a substantial amount of CWF dollars available to those districts who have completed their plan, and it is under the assumption that the dollars will not be spent. Swenby plans to attend this meeting and is exploring the process for applying for our 1W1P to get that process moving forward for next year.

The cost for the plan is estimated to be about \$250,000. The only cost to the district is staff/manager time to develop and coordinate the plan. The tangible expenses would be reimbursed through the grant if accepted. The proposal period begins at the end of March and goes through the middle of June. Five or six applications are usually accepted, with the final decision made in August.

If accepted the district would begin the heaving lifting of the plan requirements starting January 2021. Our partners include all three counties and four SWCD's. Currently our overall plan expires in 2022 and the 1W1P would be completed by then, making it good timing. Swenby has already communicated with the local SWCD's and Nicole Bernd - WPSWCD, Aaron Neubert - Mahnomon County SWCD, Rachel Klein - East Polk SWCD, and Lori Thronson – Norman County SWCD, are all on board with moving forward with the process. Brett Arne, the district BWSR rep is also on board with the district moving forward. Swenby is told the process involves a significant amount of staff time, commitment and coordination.

The managers had questions regarding requirements, if this plan is required, what happens if the district does not do a 1W1P, and does the district have the option of only revising their existing overall plan. Swenby suggested asking Bret Arne to attend our next board meeting to address some of these questions.

A **Motion** was made by Manager Engelstad to table this discussion until next month when a full board is present, **Seconded** by Manager Bartz, **Carried**.

2020 Spring Flood Outlook: 2020 Spring Flood Outlook has been released by the NWS and managers were provided the document.

Manager Hanson Retirement: On February 27, a plaque was given to Roger Hanson. Swenby provided a draft article for *The Fertile Journal* honoring Hanson and asked the managers for feedback. Consensus was given to submit the article.

Section 15 Reis Township – Public Waters Reclassification: The district sent a joint letter on December 2 with the West Polk SWCD to Stephanie Klamm asking for reclassification of protected waters in Sections 15 and 16 of Reis Township near Beltrami. On February 27, the district was notified that the findings of fact concluded that the DNR will not remove the public waters from the inventory as it was not mapped in error at the time of the public waters/mapping/inventory effort. The watercourse still remains as it meets the definition of a public waters in that it is over 2 sq. miles of drainage.

Water Boots: Upon the site tour of the SH Lake Dam and remember last year's spring ditch inspections, Swenby informed the board she'd like to purchase a pair of Muck Boots. There was not opposition for purchasing boots.

Helicopter Spraying: Last month, the district was given a presentation from Larson Helicopters.

Swenby called Polk County for a reference as Larson has been inspecting/spraying for cattails for over 18 years. Polk County has used other companies and in comparison, they would recommend Larson. Red Lake Watershed District also has started to use Larson

The managers reviewed the cost proposal from Larson comparing it to the costs paid last year per mile, including the development of ditch spraying maps and inspection time (staff and technician consultants). The type of chemical was also discussed as last year's chemical is said to last up to two years, while Larson's is 4-5 years.

Quotes are not required for solicitation as each ditch system is under the \$25,000 thresh hold.

A **Motion** was made by Manager Bartz to hire Larson Helicopters for the 2020 spraying season to inspect and spray for cattails, **Seconded** by Manager Engelstad, **Carried**.

The managers reviewed Larson's cost proposal for spraying for broadleaf. The district has had only one report of broadleaf issues and it is on the Sand Hill Ditch. Discussion was held regarding the best way to identify broad leaf issues. Manager Vesledahl asked if there was a drone option that could identify broad leaf and thistles. The managers agreed to send a letter to landowners asking for identification of thistle patches. Manager Engelsted cautioned, encouraging the district to inform landowners if Milestone products are planned for usage. The letter should encourage landowners to discuss this with their renters.

Ditch Mowing: Larson from Larson helicopters has presented a quote for mowing. A **Motion** was made by Manager Hamre to table the discussion for mowing until a full board is present, **Seconded** by Manager Engelstad, **Carried**.

Office Assistant: Proposed job description and newspaper ad was provided to the managers. A **Motion** was made by Manager Engelstad to table the discussion until a full board is present, **Seconded** by Manager Bartz, **Carried**.

Contractor vs. Employee: The person who cleans the district office has requested that she be an employee vs. a contracted service worker. The district accountant has confirmed that the district is in compliance with MN State law regarding employee vs. contractor and she qualifies as a contractor as she sets her own hours, takes home laundry, works without supervision, etc. The managers were provided the criteria for employees in comparison to the criteria for contractors. The manager consensus was that they are not open to hiring an employee for district cleaning. The managers asked Swenby to place it in writing, clarifying that the position is an independent contractor position.

The contractor has decided to work for the district at a set amount each month.

9. OTHER BUSINESS

Partnering agency reports were provided to the managers from agencies including MAWD, MADI, and the Flood Damage Reduction Work Group.

10. PERMITS:

Four permits are presented to the board. Houston Engineering has reviewed the permits and confirms that runoff does not back up on neighboring landowners.

Manager Engelstad recused himself from voting. A **Motion** was made by Manager Bartz to approve the following permits, authorizing Chairman Christian to sign upon his return, **Seconded** by Manager Hamre, **Carried**.

2020-01: Craig Engelstad, Liberty Township Section 10: Install Erosion Control Structure

2020-02: Craig Engelstad, Liberty Township Section 3: Install Erosion Control Structure

2020-03: Craig Engelstad, Liberty Township Section 15: Install Erosion Control Structure

2020-04: Craig Engelstad, Onstad Township Section 34: Install Erosion Control Structure

Polk County # 1 Bridget Replacement: The DNR has issued a Public Waters Work permit to Polk County Highway Department for the replacement of the two bridges on Polk County #1. Swenby has followed up with Rich Sanders about the request for a kayak loading/unloading station off the first bridge East of Fertile. The county has allowed for an approach to get people down to the water and will just need to make sure that they allow for it when they bid and construct. The plans and permits were provided for manager information.

11. ADJOURNMENT:

The next regular meeting will be held Tuesday, April 7, 2020 at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Hamre to adjourn the meeting at 12:24 PM, **Seconded** by Manager Engelstad, **Carried**.

April Swenby, Administrator

JJ Hamre, Secretary