



**TITLE:** REGULAR MONTHLY BOARD MEETING MINUTES

**DATE:** APRIL 6, 2021

## 1. ATTENDANCE:

Chairman Stuart Christian called the April 6, 2021 meeting to order at 8:00 AM at the District Office. Other managers attending were Don Andringa, Clayton Bartz, Craig Engelstad, and JJ Hamre. Two staff members were present April Swenby – Administrator and Donna Bjerck – Office Assistant. Others in attendance were Bryan Boll – Project # 27 landowner, Paul Engelstad – permit applicant, and Zach Herrmann – Houston Engineering.

## 2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Engelstad to approve the agenda, **Seconded** by Manager Bartz. **The Motion was carried.**

## 3. MINUTES:

A **Motion** was made by Manager Bartz to approve the minutes from the March 2, 2021 as presented, **Seconded** by Manager Engelstad. **The Motion was carried.**

## 4. FINANCIAL REPORT:

Swenby read the Treasurer's Report. A **Motion** was made by Manager Hamre to approve the Treasurer's Report for March, **Seconded** by Manager Engelstad. **The Motion was 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>	1,485.00
<b>April J. Swenby</b>	14.56
<b>City of Fertile</b>	54.41
<b>EcoLab</b>	53.57
<b>Fertile Hardware Hank</b>	62.10
<b>First Community Credit Union</b>	171.21
<b>Garden Valley Telephone Company</b>	199.53
<b>Houston Engineering</b>	6,425.00
<b>Opdahl's Donuts</b>	12.00
<b>Otter Tail Power Company</b>	487.83
<b>Sam's Club</b>	55.00
<b>Todd's Landscaping</b>	60.00
<b>Wild Rice Electric</b>	128.92
<b>TOTAL</b>	<b><u><u>9,209.13</u></u></b>

Swenby noted that the following bill was paid March 31, 2021. She noted reimbursement request for the RCPP program, receipts tied to the LSOHC grant, and the Project Team are date sensitive, thus

the reason for cutting check before the meeting. Check number 14360 was cut and held and will be mailed upon today's meeting approval. The amount was for \$46,341.71.

Additionally, five bills were presented that came in the mail before the Unpaid Bills Report was presented to the managers and are the following:

City of Fertile	54.44
Polk County Auditor- Treasurer	2,160.00
Sarah Wise	48.00
Wild Rice Electric	132.81
Stuhaug Sanitation	46.80
<b>TOTAL</b>	<b><u>2,442.05</u></b>

A **Motion** was made by Manager Hamre to approve and pay the bills with a total of \$57,992.89 **Seconded** by Andringa. **The Motion was carried.**

## 5. PROJECT # 27 EASEMENT

Bryan Boll came before the board to discuss the easement that is needed for Project # 27. The district attorney has concurred that an extension of the crossing can be allowed as a landowner request for access, however the expense must be at the landowner's expense, not an expense of the project. The proposed work is not considered an improvement to the project, according to statute. Boll clarified that he is not the current owner of the property, but the property owner has stated that all easement negotiations must be approved by Boll, the prospective owner/purchaser of the land. Boll indicated that a pipe would provide him access and an aesthetically pleasing lot.

Unable to recollect the exact EMV, Swenby stated that the EMV is about \$100,000 +/- . The minimum easement needed for a closed system with a pipe is about 30' and a minimum easement (ingress/egress) and an easement for an open ditch system is approximately 60' wide. If the district were purchasing the property using the EMV and the footage needed for the easement (60'), it is just above \$35,000. The managers all agreed that the district isn't willing to pay the purchase value for the property, they are only seeking to pay a fair price for restricted use.

As an example, the larger easement option restricts 60' of lake shore that cannot be built on. A 60' easement would allow for the ditch to be opened back up, and a 60' easement would allow for the district flexibility. The managers discussed the possibility of negotiating to a 40' easement which is about \$25,000 +/- (full value). It was reiterated that full value of payment is not what the district is willing to pay, and Boll agreed that isn't what he is suggesting. Herrmann felt comfortable that a 40' easement still allows for the ditch to be opened back up, should the need ever arise, but would like to confirm when he gets back to the office.

Manager Engelstad asked if the culvert would become a part of the system or if it would be a landowner responsibility for maintenance. Swenby suggested asking the attorney for language/resolution that would allow the district to incorporate this as a part of the project for maintenance.

The managers discussed all options fiscally and determined that it is best to negotiate with the landowner to secure the easement. The cost of condemning the land could exceed the cost of the 60' easement at full price and offers no flexibility. As a path of least resistance that can offer the district more control of the outcome, a **Motion** was made by Manager Engelstad to offer a 40' easement to the landowner for \$8,000 (bottom)- \$12,500 (high) to secure the easement and upon a price negotiation the motion includes authorizing Swenby to move forward with a survey for drafting the language as reflected in the discussion, pending Herrmann's confirmation that a 40'

easement is sufficient, **Seconded** by Manager Andringa **The Motion was carried.** As a condition of the easement, it was agreed that district would allow the extension of the pipe, at the owner's expense and would require a metal pipe, not plastic and construction would be supervised by the district to ensure functionality of the project. The managers agreed that the attorney should draft language making clear who the fiscal responsible party is after the property access is complete. Final negotiations will be made at a later meeting and will be contingent upon board approval.

## 6. ENGINEER'S REPORT:

**Sand Hill Ditch:** Houston Engineering is developing a cost estimate for a possible redetermination (engineering, viewers, etc.) and they are exploring ROW options (original ditch design vs. the encroachment). Herrmann noted that flattening the side slope options due to geotechnical repairs falls within the repair statute. Chairman Christian asked if there were grant opportunities. Herrmann agreed that there is a clean water benefit; however, it being a legal ditch system is not favorable with grant applications. Herrmann suggested using the One Watershed One Plan and ear marking this location. Herrmann also suggested that Lessard Sams Outdoor Heritage Grant, given the project can meet their criteria. Herrmann will explore the possibility for grant opportunities.

**Poissant Bridge:** The only remaining work is the cleanup and seeding when conditions allow. Manager Engelstad stated that a kayaker had mentioned that kayakers may need to portage, and Herrmann agreed during low flows that area might not be kayak friendly.

**RCP Planning:** Herrmann attended the meeting with the City Council on March 15, 2021 with Swenby, Manager Engelstad and Manager Hamre. Much discussion was held on flood insurance savings, local share and land acquisition. Houston Engineering is developing a conceptual design as directed by the board. The project close out is underway for the deadline of the grant on May 31, 2021.

Herrmann presented a Kittleson Creek Storage review as directed by the board. Herrmann is able to perform a hydrologic model that would better prepare for project team meetings should the district want to move forward with it after the grant is complete. A **Motion** was made by Manager Engelstad to authorize Herrmann to move forward with a hydrologic model not to exceed expenses past May 31, 2021, **Seconded** by Manager Andringa. **The Motion was carried.** When that information is complete the managers would be better able to make a determination if the benefits outweigh the cost and the upcoming battles of on channel storage.

**MN Highway 102 Boundary:** An additional culvert survey was needed. It is being incorporated into the hydraulic analysis.

**Project # 17 Outlet Adequacy:** Herrmann will review some of his findings with Manager Andringa after the board meeting before formally presenting to the board.

## 7. ADMINISTRATOR REPORT:

**Building Project:** Swenby explained that the process for receiving Historical Funds is not an easy or a time saving process. First, a grant for an HSR (Historical Significance Report) can be applied for. If received, fund can be applied towards consultant fees for evaluating the property. The consultant will prepare a report that highlights the history and the significance of the building. This could take at one year or longer. The process must be completed first before the district can apply for construction/renovation grants, and the district must be accepted first as a building of significance. If selected, the district could then be eligible for competitive cost sharing grants. Swenby was told that the cons for listing would require any future changes to the space must be reviewed by the state. Another con is that the time and staff effort is extensive to receive the funds. The pros would be the research that goes into the building and the opportunities for funding.

Swenby is looking into another option which is a completely separate grant program called [State Capital Projects Grants-in-Aid program](#). This is for construction work only and is only available for official government entities (which the district does qualify as). Buildings do have to be eligible for listing on the National Register (but do not have to be officially listed). The deadline for this application is May 28, and the district would need to be deemed “eligible” to be placed on the national registry, but it isn’t required that we actually “list”.

**BWSR Training Session:** Swenby attended two BWSR Training Sessions: One on PTMAP and the other was effective Advisory Committees. Swenby noted that some suggestions for engaging Advisory Committees may be a good fit for our watershed.

**Beaver Trapping:** Swenby met with the beaver trappers and they will run the spring scouting trip in April. They will take photos and GPS problem areas. Swenby reported that they scout up stream at the county line and end their scouting at the Krogstad Bridges as per board direction years ago. She reported that they have scouted from the structure to the Krogstad Bridge this past week and reported no obstructions or beaver activity in that stretch.

**MAWA Listening Session with BWSR:** An organized session with BWSR leaders were held. Many Administrators got together throughout the month to develop key talking points and Swenby was included in on those discussions. Those talking points were provided to the managers along with Swenby’s notes of John Jaschke’s (BWSR) response to the talking points.

**Minnesota Association of Drainage Inspectors:** Swenby attended the MADI meeting on March 15, 2021. Information related to the meeting was provided to the managers.

**Beltrami City Ring Dike:** A joint meeting with the Sand Hill River Watershed District board and the Beltrami City Council was on March 15, 2021. There are no new changes with the City of Beltrami’s interest. The meeting was informational, and the Council was informed that the district is developing a plan using other funding sources. Much discussion was held regarding land acquisition and costs to the taxpayers of the City. They are interested in seeing a proposed plan, so they would have a point of discussion for taxpayers, should they want to proceed forward in the future. When Herrmann has a plan for presentation, she will meet with the City Council again.

**Money Market:** The district money market account was earning an average of .02% as of March 5. There is a minimum required balance of \$10,000. Swenby will check on interest rates for a 3 or a 6 month CD.

**RRWMB:** Swenby attended the Red River Watershed Management Board meeting and provided meeting materials to the managers. Swenby reported heavy discussion on adding new members to the RRWMB.

**Union Lake Pumping Project:** HEI is working on providing a plan to present to USFWS for a permanent structure.

**One Watershed One Plan:** Swenby reported negative discussions about the 1W1P from other Region 1 Administrators. The RFP has been released and the deadline is June 11, 2021. As per the Motion/Second by the board managers Swenby will be moving forward to apply for the grant. Swenby suggested that the district perform a mini strategic planning session before we move forward with the 1W1P plan in 2021. She expressed a desire for board direction on which projects to pursue and what aid should or shouldn’t be funded by the district, creating a defined policy for staff to follow. She also felt it would a good session to have as she leads the district in the 1W1P and being board led will help her better represent their desires and goals through the 1W1P process. The managers agreed this may be a good path for moving forward. She will be obtaining an estimate from Moriya Rufer at HEI for facilitating such discussions.

**Ditch 80:** The district had ROW stakes in the basement. Due to the early spring, Swenby has authorized HEI to use our inventory to place the ROW stakes last week and we will order new ones to replace our inventory, at Ditch 80's expense. A landowner has called in and has requested additional seeding. Swenby will contact Berhow seeding to ensure that seeding takes place on the buffer.

**Rock Riffles Signage:** The signs have been ordered and will be installed by Premier Signs as the weather allows.

**Redistribution of Managers:** Swenby has scheduled to meet with Mahnommen County Commissioners in April. Swenby has asked Hermann to print off large district maps indicating representation. Polk County used these same maps during their decision-making process in December.

**Watershed Tour:** A couple of months ago the board asked Swenby to schedule a watershed tour. The managers suggested that a tour be scheduled for July. Swenby will put this on the June board meeting agenda for discussion.

**Vesledahl Wetland Banking Site:** Swenby met with John Jaschke, BWSR regarding the landowner petitions asking for legislative assistance. He would like to meet again tomorrow to talk about the Watershed taking over the property and ideas of how the landowners can pursue easements outside of legislation. Swenby suggested BWSR take over the property. He will consider and we will discuss options next week to avoid a legislative bill.

**MDM Grants:** In Swenby's attendance at the MADI meeting, she learned that BWSR is seeking applications for MDM grants. Hermann and Swenby conferred and decided 9, 119 and Project #17 could benefit from side inlets and would like board direction for applying for those grants. The RFP is anticipated to come out in July with deadlines being August or September. Swenby asked if this something the board would like to pursue or wait until our 1W1P is complete and earmark dollars using that source of funding. Swenby was asked to place this topic on the agenda for discussion at the June board meeting.

**Parking Lot:** The district building had water coming in this spring during melt. Swenby explained that the pile of snow was melting rapidly and was coming into the building near the air conditioner. The parking lot is sloped towards our building and could use some gravel. Swenby asked her husband to temporarily shovel a trench to move the melting water away from the building, but Swenby asked the managers to consider a more permanent solution to avoid water coming into the building during heavy rain events this summer. The board asked Swenby to just take care of it and hire a local contractor to do some reshaping in the parking lot.

## 8. ACTION ITEMS.

**Polk County Fair:** The Polk County Fair is scheduled for July 7 -11. Board approval is needed to host a booth for 2021. A **Motion** was made by Manager Engelstad to host a booth for the 2021 Polk County Fair, **Seconded** by Manager Hamre. **The Motion was carried.**

The Polk County Fair has asked for sponsorship of the reptile/amphibian zoo for 2021 and have promised advertising and promotion of the district relating to the booth. A **Motion** was made by Manager Engelstad to sponsor the Reptile Amphibian Zoo for 2021 as Advertising/Promotion for the District in the amount of \$500, **Seconded** by Manager Andringa. **The Motion was carried.**

**Education Policy:** Upon meetings with Administrators this month, Swenby learned that watershed districts are required to have an education policy. A draft was provided for approval. A **Motion** was made by Manager Bartz to approve the proposed Education Policy, **Seconded** by Manager Hamre. **The Motion was carried.**

## 9. RULES AND REGULATIONS

The managers will take some more time to review the draft rules and regulations.

## 10. OTHER BUSINESS

The managers were given written information/highlights relating to other agency meetings and upcoming events such as the Minnesota Association of Drainage Inspectors, MN Association of Watershed Districts, MN Association of Watershed Administrators, International Water Institute, and the Red River Watershed Management Board.

**Ditch 80 Comments:** Paul Engelstad stated he was surveying on the west end where Ditch 80 and Maple Creek meet, there has been some scouring. The silt ended up west and into Project # 17. Swenby will place this on the radar during ditch inspections in 2021.

## 11. PERMITS:

The district still has one permit from 2020 that is waiting for approval. It is for Hubbard Township, Section 13. The Township/landowners are still working with adjacent landowners to obtain a signature for raising the road to the desired height. We are meeting today with the Township and the landowners involved to resolve this issue. An attorney for Douglas Burd has submitted a request for information regarding this permit. I have attached the correspondence between myself and the attorney.

Several permits were brought before the board.

A **Motion** was made by Manager Bartz to approve the following permits and one permit transfer with the noted recommendations, **Seconded** by Manager Andringa **The Motion was carried.** Manager Engelstad abstained from voting.

**Permit 21-001:** Paul Engelstad, Section 27 and 28 – Russia Twp. Install tile, culvert, and ditch. Notes: *Houston Engineering has reviewed the impacts of the permit and recommends approval of tiling with the contingencies for out letting into a SHRWD project approved by the board last year. The permit suggests cleaning in a legal ditch system, and the district does not allow cleaning within our ditch system (CD 119) without watershed oversight. Swenby will work with applicant to get the project cleaned as needed. Engelstad stated that he would like to revise his application to be either/or regarding a pump vs. using the natural outlet. Herrmann didn't think pump vs. natural outlet would matter in this case, as long as he is assessed into the system and erosion control measures are taken. Herrmann also suggested that an added contingency be added that erosion control measures be added at the outlet.*

**Permit 21-002:** Paul Engelstad, Section 5 – Liberty Township, Install tile. *Paul Engelstad stated that he would like to divert it into the Sand Hill Ditch directly, vs. the natural channel to outlet the water. Herrmann stated that this permit does not alleviate the applicant from any other permits, such as the MnDNR if required.*

**Permit 21-003:** Paul Engelstad, Section 23– Russia Township, Install tile. *Houston Engineering has reviewed the impacts of the permit and recommends approval of tiling with the contingencies for outletting into a SHRWD project approved by the board last year. Swenby has spoken to the applicant regarding permissions required by the Polk Co Highway Department for boring under County Road 41 and will remind the applicant again in writing upon approval. Engelstad stated that he would like to revise his application to be either/or regarding a pump vs. using the natural outlet. Herrmann also suggested that an added contingency be added that erosion control measures be added at the outlet.*

**Permit 21-004:** Paul Engelstad, Section 19– Liberty Township, Install tile.  
*Swenby spoke with the applicant who desires to revise the permit to reflect outletting directly into the Sand Hill Ditch. Herrmann has reviewed that scenario and recommends approval for either route for outletting. If the applicant desires to take tile south into Sand Hill Ditch, Houston Engineering recommends approval of tiling with the contingencies for outletting into a SHRWD project approved by the board last year.*

**Permit 21-005:** Willard Swenby, Section 21 – Garfield Township, Construction new road/Development.  
*Houston Engineering recommends approval with a 12” (minimum) pipe based on the drainage area. There are about 4.6 acres that drain to it. During drier times, much of the water may infiltrate (soak in). The applicant prefers no culvert as there isn’t enough space between the bottom of the approach and the top to place a 12” culvert and the crossing is 60’ wide. The Township has agreed with no culvert. Herrmann will make a site visit after the meeting today to make a determination.*

**Permit 21-006:** GMGB Farms, Section 11 – Hubbard Township, Install Tile  
*Houston Engineering recommends approval contingent on County approval and any contingencies they may require. The project outlets into Polk County Ditch 73.*

**Permit 21-007:** Todd Mosher, Section 8 – Reis Township, Install Culvert  
*Houston Engineering recommends approval with a 30” diameter culvert, as determined from the Board adopted culvert sizing chart. Approximately 120 acres drain to the crossing, however it appears to be variable with high water.*

**Permit 21-008:** Polk County Highway Department, Garden/Garfield Township Polk County 1 Bridge replacement – 2 locations as per plans and specs provided.

**Permit 21-009:** JC& J Trucking, Bear Park Township, Pump water into river from gravel pit.  
Swenby noted that this permit is under review by the MnDNR. She also noted that she will need to reach out to the applicant regarding land ownership and the permit, if approved should be noted as approved with the landowner and require a landowner signature. Herrmann suggested that a contingency be placed that the watershed may require the pumping to stop or with dredging contingencies. Herrmann suggested that the applicant be aware that a SWP permit may be required.

**Permit Transfer 20-043:** Sletten Township has requested a permit transfer of Permit 20-043. The permit was originally applied for by Roger Hemmingson, but the work that is scheduled to be performed is in the township right of way.

## 12. ADJOURNMENT:

The next regular meeting will be held Tuesday, May 4, 2021 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 11:32 AM, **Seconded** by Manager Bartz. **The Motion was carried.**

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Donna Bjerck, Administrative Assistant

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JJ Hamre, Secretary