



**TITLE:** REGULAR MONTHLY BOARD  
MEETING MINUTES

**DATE:** DECEMBER 11, 2023

### 1. ATTENDANCE:

Chairman Stuart Christian called the December 11, 2023, meeting to order at 3 PM at the District Office. Other managers attending were Clayton Bartz, Don Andringa, Craig Engelstad and Shawn Brekke. Staff members present included April Swenby – Administrator. Others in attendance included Zach Herrmann – Houston Engineering and Bryan Murphey – H2Over Viewers.

### 2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Brekke to approve the agenda, moving the H2Over presentation from 4:30 to 3:00 PM, to the beginning of the meeting, **Seconded** by Manager Engelstad. **The Motion was carried.**

### 3. H2OVER PRESENTATION:

Bryan Murphey presented to the board regarding services H2Over Viewers could provide to the Sand Hill River Watershed District as the drainage authority for the SH Ditch. Murphey gave a detailed education regarding the different benefits such as protection benefits and how they might relate to the landscape in the Sand Hill River Watershed. Education was also provided to the managers regarding manager roles, viewer roles, staff roles, engineering and legal roles during a Redetermination of Benefits (ROB), Murphey provided graphics that show the watershed, and its sub watersheds and possible contributing systems and non contributing basins based on preliminary information gathered. Murphey explained the equations their company uses that is also an industry standard for calculating benefits for contributing systems.

After the presentation, Murphey provided to the managers a price quote for viewing the acreage of the Sand Hill Ditch system categorized out by the protection area, and all contributing legal systems. The scope of work includes multiple landowner meetings to prepare for the statutory requirements of the preliminary and final hearings. Managers were given a sample packet of information that each landowner receives during the viewing process that explains any benefits associated with their properties.

In addition to the cost for viewing, the managers should expect other costs to incur related to engineers, right-of-way (ROW) acquisition and legal fees. Murphey would like the managers to consider moving forward by February 2024.

A brief discussion of forming a Water Management District to accomplish the same outcome was discussed, but decided against, due to the statutory duty and obligation of the board to ensure that benefits are correct and up to date.

Swenby stated she would like to learn more about the payment of ROB and how that would be paid for, whether it be a bond, or using district funds internally and will contact the district attorney. She also suggested that she'd like to contact a couple of other viewers to obtain a cost per acre to compare costs and scope of work. As directed by the board she will also check with RLWD and WRWD so compare our district systems with theirs.

Swenby suggested that Herrmann present in January a range of an estimate for engineering fees and an estimate of what ROW would cost, should the district decide to move forward.

**4. MINUTES:**

A **Motion** was made by Manager Bartz to approve the minutes from the November 2, 2023, meeting, **Seconded** by Manager Andringa. **The Motion was carried.**

**5. FINANCIAL REPORT:**

A **Motion** was made by Manager Andringa to dispense the reading and approve the November 2023 Treasurer Reports, **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>	1,290.00
<b>April J. Swenby</b>	246.94
<b>City of Fertile</b>	116.39
<b>East Polk Soil and Water District</b>	554.00
<b>EcoLab</b>	64.28
<b>Fertile Hardware Hank</b>	12.47
<b>First Community Credit Union</b>	1,180.06
<b>Garden Valley Telephone Company</b>	177.54
<b>GP Excavating</b>	1,600.00
<b>Houston Engineering</b>	24,331.43
<b>Mahnomen Pioneer</b>	39.00
<b>Otter Tail Power Company</b>	236.03
<b>Richards Publishing Company</b>	24.75
<b>Sarah Wise</b>	48.00
<b>Wild Rice Electric</b>	179.27
<b>Anderson, Bottrell Sanden &amp; Thompson</b>	\$1,520.00
<b>Garden Valley Telephone</b>	\$177.54
<b>Houston Engineering</b>	\$1,838.75
<b>Ottertail Power Company</b>	\$498.13
<b>Todd's Landscaping</b>	\$55.00
<b>Win-E-Mac School District</b>	\$315.07
<b>TOTAL</b>	<b><u>34,504.65</u></b>

Additional bills that were presented (that were not on the bills to be paid report) included the ones listed in green above.

A **Motion** was made by Manager Andringa to approve and pay the bills with a total of \$34,504.65 **Seconded** by Manager Brekke. **The Motion was carried.**

As in prior years, Swenby suggests balancing the following to prepare for the new year, because they are accumulative accounts and are better represented as an annual total on the Treasurer's Report, for manager review benefit:

- Web-site, Permits DB and Mapping
- Beaver Bounty Program
- Technical Engineering and Legal

- Agency Support
- Education
- Monitoring

Swenby would like to clean up the Treasurer's Report Fund Balance. There are two accounts that are inactive and suggested finalizing their balance. Project #23 and Kittleson Creek Retention are inactive projects that have been deemed complete.

Because the auditor suggests that these entries be made with a current year date, the December Treasurer's report will have two fund balance reports to show the year end totals, and another one that shows them with a zero balance so that managers can see the final year end totals for those categories.

A **Motion** was made by Manager Brekke to approve the suggested journal entries for 2023, **Seconded** by Manager Andringa. **The Motion was carried.**

## 6. ADMINISTRATOR REPORT:

**One Watershed One Plan:** A public hearing was held on November 20. West Polk SWCD will be fiscally responsible and responsible for all facilitation/ELINK submissions.

**Drainage Work Group:** Swenby provided updates on the Drainage Work Group. The group is still working on consensus for outlet adequacy and the drainage portal.

**RRBC Commission Conference:** The RRBC conference is January 16 – 18 in Fargo. Swenby provided information on the conference and asked them to let her know if they'd like to attend.

**RRWMB:** Swenby attended the RRWMB meeting on November 21, 2023 where a LiDAR presentation was given. They are still expecting a release in early 2024.

**Building Project:** An estimate with revisions will be included at the January 2024 board meeting.

**Project Team:** SHR Ecosystem Restoration project team met November 15 at the district office. The meeting was very introductory. Members were introduced, and because there were so many non-agency people on the team who are not familiar with the process, Moriah Reuffer gave a brief history of the Project Team process and defined the roles of the team. Also, because so many new members were added to this project team, Herrmann gave a history of the data that project team has gathered this far and asked the team to consider thinking about what a project might look like.

**Ditch Inspections:** Joe Miller was still going to try to complete the following on Project # 27. Permissions were received from MnDNR and USFWS this week. He plans on completing this work, weather permitting on December 14.

1. Union-Sarah USFWS Dike (Stuart to meet with Joe to show exact location of the dike)
2. Screen on Union-Sarah culvert

**Annual Conference:** The Mn Watershed Annual Conference was Nov 27-30. Manager Andringa attended. Conference agenda and Mn Assn. of Watershed Administrator meeting materials were given to the board. In addition the managers were given the results of the state survey and the Mn Watershed strategic plan accomplishments.

**Advisory Committee Meeting:** The Advisory Committee met on November 13, at 8 AM at the Erickson's Smokehouse. The terms of Don Andrina and Clayton Bartz are up in January and both were recommended for reappointment. Draft minutes were provided. Also provided was a copy of the written summary report she presented for 2023.

**SH Ditch/Township Funding:** The district assisted Liberty and Reis Township in the completion of requesting LRIP funds for moving the township road along the SH Ditch. Applications were due December 8, 2023. They

will announce awards on March 29, 2024. Swenby stated that she did ask Herrmann for assistance on this application for the technical language required and the cost estimates.

**State Disaster Declaration:** Swenby plans on submitting for the Polk County, State Disaster 2023-SD-074 declaration. The reimbursable rate is 75/25. After all construction is completed on all of them, she will submit for reimbursement, next year.

- Ditch 9 – 2 locations (already fixed and paid out)
- Project 20 – one location (already fixed and paid out)
- SH Ditch – two locations (to be fixed and paid out in 2024)
- Project #17 – one location (to be fixed and paid out in 2024)

**PROTECT Funds:** Swenby assisted the townships of Liberty and Reis for PROTECT funds and that application was due November 20. This is for areas along the SH Ditch that are experiencing significant encroachment along the road. If the state disaster declaration will not fund the fix that is need in Liberty Township, we have the option to use PROTECT funds if awarded. It is my understanding that the state disaster funds will require pre-disaster conditions in the repair and we will need to make the case for mitigation. Several locations were identified. Swenby stated that she asked for Herrmann's assistance on this application for the technical language required and the cost estimates.

## 7. ENGINEER'S REPORT

**Project # 27:** Amendments have been filed and permitting has been applied for the Byran Boll area from Lake Sarah. We were just recently notified that permits were approved. HEI team will be onsite this week to work with JC&J Trucking for the sand bag levee installation on USFWS lands.

**Project #17 – Moen Erosion Control:** Additional survey work was completed for final design and permitting.

**Project Team (SH River Ecosystem Restoration):** Borings along the Sand Hill Ditch are being planned, using the approved leftover funds from the 1W1P planning grant. Herrmann provided the presentation that was given at the Project Team meeting.

**SH Ditch Erosion (Section 24, Scandia township):** A survey was completed last week to assist in a development of a corrective plan of action and the district is using the leftover 1W1P planning grant funds to develop ta concept plant/cost estimate to repair the bank damage. HEI is working on a design plan.

## 8. PERSONNEL ITEMS.

**Employee Evaluations:** New in 2023, Swenby developed a written employee evaluation, to provide guidance and goals for her moving forward into the upcoming year, and to provide managers a tool to compare with year to year. The personnel committee met and reviewed the evaluation for both Bjerk and the ones that were submitted at that time for Swenby. Managers were given historical wage increases for both Swenby and Bjerk. The managers were given a copy of Swenby's job description, in addition to the job description of the prior Administrator which highlights the changes in roles/responsibilities that the district made in 2019. Federal COLA rates were provide and a wage comparison report for all watersheds in the RRB. Managers discussed work performance, average wages, and cost of living.

A **Motion** was made by Manager Andringa to increase Bjerk's hourly wage by 3.2% effective January 1, 2024, **Seconded** by Manager Englestad. **The Motion was carried.**

A **Motion** was made by Manager Brekke to increase Swenby's wage by 3.2% effective January 1, 2024, **Seconded** by Andringa. **The Motion was carried.**

**Personnel Manual:** The Personnel Committee met and reviewed in detail the changes suggested by the district attorney. The attorney suggested a few changes for compliance throughout, in addition to the ESST (Earned Sick and Safe Time) law changes that are required. A **Motion** was made by Manager Andringa approve the personnel manual as presented, **Seconded** by Bartz. **The Motion was carried.**

**Employee contract:** A **Motion** was made by Manager Andringa to approve the employee contract as presented, **Seconded** by Brekke. **The Motion was carried.**

Swenby suggested that moving forward, the by-laws should be amended to allow for the Chairman to be able to contact the district attorney when relating to Administrator personnel matters, outside of the chain of command and current protocols. Currently the practice, that all contact with consultants and legal, are funneled through the district office, and are ran through the Administrator, unless it is during a board meeting. She suggested that if there ever were personnel issues with an Administrator, the board chairman should have the flexibility to have contact with the attorney, regardless if the employee is at-will or not at-will status.

Manager Engelstad and Manager Brekke asked about pros and cons for authorizing the district Chairman to contact the district attorney or other consultants for any reason, not just Administrator personnel issues. Manager Engelstad offered a hypothetical scenario where there could be a lack of trust between legal information that is being disclosed by an Administrator to the board, and for reassurance purposes, the board should have the flexibility to double check. Engelstad was clear to ensure he was not insinuating this is the case, but was using this as an example for forward thinking. Swenby stated that she felt it was important to never bypass the Administrator. For one reason, to save costs. Banking/collecting questions and asking them all at once saves the district costs. Additionally, the Administrator would have record if those particular questions have already been addressed historically, and it is dangerous to have board managers outside of board meetings free range to incur costs with legal teams or consultants. She stated that is what you are paying staff to do and what you have delegated staff to perform as part of their job description. One person being the direct liaison between the district board as a whole and consultants ensures that only watershed business is being conducted on the district dime. However, she agreed there might be situations where managers need to hear directly from the attorney, or a hired consultant. She suggested that in Englestad's particular scenario, the alternative for a concerned board member asking for a conference call during a board meeting with the district attorney (or consultant) vs. behind an employees back to obtain or affirm information. She said in that situation, it would be better to bring the Administrator along with the board, and confirm that what is or isn't being disclosed is true as a group in the board room. Board managers always have the option of requesting a conference call, or inviting a consultant to a board meeting if they ever feel that they are being disclosed improper information, or for no reason at all at their discretion at a board level.

The board agreed that relating to personnel issues, the board chairman should be authorized to contact at his/her discretion and incur legal costs if needed for the protection of the district. Swenby will draft some alternative language and ask the attorney if there are public notification requirements for modification of the bylaws.

## 9. ACTION ITEMS.

**Resolution Boundary Change:** BWSR would like a formal resolution from each watershed.

The Sand Hill River Watershed District Board of Managers took under consideration the question to change the boundaries of the Sand Hill River Watershed District's northern boundary.

Manager **Andringa** introduced the following resolution and moved its adoption:

### **RESOLUTION SUPPORTING CHANGE OF BOUNDARY WITH RED LAKE WATERSHED DISTRICT**

**WHEREAS**, a result of the recent generation of more precise topographic data, the hydrologic boundaries of the Sand Hill River Watershed District (the "SHRWD") can be more precisely ascertained; and

**WHEREAS**, these improved data allow for the SHRWD's legal boundary to be caused to more closely follow the hydrologic boundary; and

**WHEREAS**, the purpose of Minnesota Statutes Chapters 103B and 103D is to facilitate water resource management on a watershed basis, and that legal boundaries of watershed management organizations should conform as closely as is practicable to hydrologic boundaries; and

**WHEREAS**, certain land parcels presently within the boundaries of the districts have been identified to flow into the other respective district; and

**WHEREAS**, these parcels are generally shown on the map, attached as **Exhibit B**, and are proposed on that exhibit to be allocated to the Red Lake Watershed District (the "RLWD"), as best conforms to hydrologic boundaries; and

**WHEREAS**, the parcels, or portions thereof, to be removed from the SHRWD are contiguous to the RLWD, and decrease of the SHRWD by removal the identified parcels will advance the purposes of Minnesota Statutes Chapters 103B and 103D; and

**WHEREAS**, the SHRWD and the RLWD will notify each affected property owner about the proposed boundary change and opportunities for public input at an informal public hearing to be held before the public hearing before the Minnesota Board of Water and Soil Resources.

**NOW THEREFORE BE IT RESOLVED**, the SHRWD supports the submission of a petition to the Minnesota Board of Water and Soil Resources pursuant to Minnesota Statutes § 103D.251 to change the SHRWD boundaries in accordance with **Exhibit A** and authorizes the Board President to sign said petition.

The motion for the adoption of the foregoing resolution was duly seconded by Manager Engelstad. On roll call vote the resulted in the following:

	Yea	Nay	Absent	Abstain
Christian	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andringa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hamre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bartz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engelstad	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The majority having voted aye, the motion carried and the resolution was duly adopted.

**Resolution 1W1P:** The following resolution was presented to Submit, Adopt and Implement the Sand Hill Watershed Comprehensive Management Plan.

The following resolution (2023-10) was offered by Manager Andringa.

**WHEREAS**, Sand Hill River Watershed District is a member of the Sand Hill Watershed One Watershed One Plan Policy Committee; and

**WHEREAS**, Sand Hill River Watershed District has been an active participant in the development of the Sand Hill Watershed Comprehensive Watershed Management Plan (Plan); and

**WHEREAS**, Sand Hill River Watershed District recommended the Sand Hill Watershed One Watershed One Plan Policy Committee submit the Plan for 60 day comment; and

**WHEREAS**, No major changes were requested by state agencies in the final comment period;

**WHEREAS**, The Plan will serve as a substitute for either the Sand Hill River Watershed Overall Plan (Watershed Management Plan) as per 103D respectively for the duration of the state approved Plan.

**NOW THEREFORE BE IT RESOLVED**, Sand Hill River Watershed District will approve submission of the plan to the Board of Water and Soil Resources Board. Contingent on recommendation of plan approval by the BWSR Northern Committee and subsequent BWSR approval, Sand Hill River Watershed District hereby adopts and will begin implementation of the Plan for the area of the Sand Hill River Watershed District identified within the Plan.

Manager Bartz seconded the foregoing resolution, and it was declared adopted upon the following vote:

	Yea	Nay	Absent	Abstain
Christian	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andringa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brekke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bartz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engelstad	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 2. OTHER BUSINESS

The managers received information from the Clean Water Council, Drainage Work Group, and the and information regarding the Mn Watersheds Annual Meeting.

## 3. PERMITS:

No permits were brought before the board.

## 4. ADJOURNMENT:

The next regular meeting will be held **Friday, January 12, 2024**. As there was no further business to come before the board, a **Motion** was made by Manager Bartz to adjourn the meeting at 6:35 PM, **Seconded** by Manager Brekke. **The Motion was carried.**

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April Swenby, Administrator

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Shawn Brekke, Secretary