



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: APRIL 4, 2024

1. ATTENDANCE:

Chairman Stuart Christian called the April 4, 2024, meeting to order at 8:00 AM at the District Office. Other managers attending were Don Andringa, Clayton Bartz, Craig Engelstad and Shawn Brekke. Staff members present included April Swenby – Administrator and Donna Bjerk – Administrative Assistant. Others in attendance included Zach Herrmann - Houston Engineering.

2. APPROVAL OF THE AGENDA:

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

1. MINUTES:

A **Motion** was made by Manager Andringa to approve the minutes from the March 14, 2024, meeting, **Seconded** by Manager Brekke. **The Motion was carried.**

2. FINANCIAL REPORT:

A **Motion** was made by Manager Engelstad to dispense the reading and approve the March 2024 Treasurer Reports, **Seconded** by Manager Brekke. **The Motion was carried.**

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

April J. Swenby	380.64
First Community Credit Union	2,420.14
Houston Engineering	6,786.50
Polk County Auditor - Treasurer	3,180.00
Polk County Fair (Booth Rental)	150.00
Red River Watershed Mgmt Board	12,007.50
Sletten Township	75.00
Todd's Landscaping	120.00
United States Geological Survey	6,380.00
Wild Rice Electric	178.12
TOTAL	<u>31,677.90</u>

Swenby informed the managers the following bill was paid March 31 for reimbursement purposes that require expenses be paid in the quarter of which they happened. The check was reflected on the check register of the March Treasurer's report and has been held. It will be dispersed following the approval.

Houston Engineering	4,557.95
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An additional bill of \$318.75 was added to the bills to be paid for Lacey Berhow for cleaning services for the district office.

A **Motion** was made by Manager Engelstad to approve and pay the bills to be paid with a total of \$36,554.60 **Seconded** by Manager Brekke. **The Motion was carried.**

3. ADMINISTRATOR REPORT:

Project #17: There were 300 records on the mailing list. A public meeting at the Climax Community Center was held on March 25, 2024, at 9 AM to discuss inspections that were conducted by staff over the past few years. Meeting notes were provided to the managers. The recorded presentation can be found on the district web-site. Landowners will be mailed a copy of the notes from the meeting, and directions for finding the presentation online. Swenby reported that landowners are very appreciative of the open communication and the transparency on the web-site. Several landowners have called. Swenby would like to make the decision of maintenance on Project # 17 on the agenda for the May board meeting, to allow more time for questionnaires from landowners to filter in. She reported that she has only received two, in addition to verbal discussions from landowners.

Vesledahl Legal Ditch: There were just over 80 records on the mailing list. A public meeting at the Winger Community Center is scheduled for March 28, 2024, at 9 AM to educate landowners on the process for establishing a legal ditch system. There has been a few interested landowners who want to learn more, and Swenby and Herrmann are meeting with them following today's meeting. The web-site was updated this week for public information. Meeting notes were given to the managers.

Project Team: Doug Burd has agreed to serve on the SH River Ecosystem Project Team. There are only 2 miles of ditch in Hubbard Township, with many landowners who rent their property. Swenby was looking at the map for possible landowners and thought it would be beneficial to have someone from the very end of the ditch serve. That landowner is Stromstad LLP Farms and has delegated these types of things to their renter, Mark Stola. While Stola isn't the landowner, his experience right on the outlet may be of benefit to the project team. Because the landowner has suggested the renter, and because the value of expertise of the conditions of the outlet may be valuable to the project team, Swenby will ask Stola if he is interested in serving.

At the May board meeting the draft purpose and need statement will be presented for board approval.

SH Ditch Redetermination: Polk County has written a letter of intent/support to the district. The board of managers decided to host a landowner meeting of the current assessed area for input regarding this decision. Swenby will evaluate the details of a proposed meeting and discuss that with the board at an upcoming meeting.

FEMA Appeal: Swenby and Herrmann met with the new FEMA Coordinator. We were given several task items such as filing for an extension, providing procurement policies, consulting preferences, and providing historical data/photos. They have asked for scope/practices/cost estimates for a plan for taking corrective action towards pre-disaster conditions and then scope/practices/cost estimates for a plan for mitigation. Swenby stated that she and Herrmann are hoping to be able to provide those in August/September after the project team has reviewed alternatives and the board has been given the recommendations from the Project Team.

Building Project: The proposal decided upon last month was made to the contractor and he confirmed he will do the project on our terms and include the additions requested (spray insulation and larger doors). Swenby has also asked for a cost on some changes to the plan that she will present at the May board meeting.

There are a lot of grants for non-profit organizations, but not for local government units. Swenby has met and/or reached out to opportunities with USDA, State of Minnesota, and the MN Council on Disability. She will continue to keep looking for grants for ADA compliance.

Swenby has spoken with John Kolb about language for using the reserve in the Admin fund towards the building project. He has a resolution prepared when the district is ready to move forward. Swenby will work with the architect and the builder to develop the contract and finalize the terms/building plans. This will be placed on the May agenda.

Norman Polk Project Team: The Wild Rice Watershed District hosted a meeting on February 14, 2024, with landowners that would likely be impacted by the alternatives identified as part of the Norman-Polk Project Team process to date. Landowners were concerned about the costs and land acquisition required to implement the identified alternatives. The WRWD Board of Managers discussed the project alternatives and landowner feedback at their March 18, 2024, Regular Board meeting. Based on that discussion, the Board requested that future planning by the Norman-Polk Project Team be put on hold at this time. The information developed to date will be assembled into a Planning Summary Document by WRWD staff so that the work completed to date could be picked up in the future if land becomes available.

Project #27: The five-year easement for Jack Doyle's property is set to expire in July. Swenby has reached out to him, and he is willing to grant another five-year easement and is still uncomfortable with a perpetual easement. He is not expecting payment in exchange this time, for the next five-year easement. Swenby has contacted the district attorney for documents that will renew the existing easement.

MN 102 Boundary: On Monday Swenby received the RLWD signed documents. This month she will work with BWSR to get the ball rolling to revise the northern boundary.

Additional Information: The managers were given an update in writing to read on their own on the following: updates on meetings/conferences that were attended throughout the month, public relations, rules and regulations status, diorama status, 1W1P upcoming meetings, investments, grant applications, beaver bounty agreement, and the Polk County Fair Sponsorship.

4. ENGINEER'S REPORT

Project # 17: Herrmann attended and presented at the landowner meeting in Climax.

Vesledahl Wetland Drainage Establishment: Herrmann attended and presented at the landowner meeting in Winger.

Moen Erosion Control: In March, Herrmann applied for additional funding through BWSR Multipurpose Drainage Management funding to perform additional side slope stabilization in the upper reaches of the project area, and spot fixes for areas further downstream.

Project Team (SH River Ecosystem Restoration): Herrmann reported that borings have been collected, and lab analysis is underway. As directed last month, an application for a MPCA Climate Action Grant will be applied for, as applications are due April 30, 2024. Planning tasks are eligible for reimbursement. A maximum grant award is \$50,000 per application, and there is \$2.3 million available. The match is 5% for populations under 20,000, and Herrmann believes the SHRWD will fall into that category. Grant activities would parallel the Project Team effort.

Scandia Section 24: A draft concept design was presented to the board. The plan consists of riprap armoring of the outside bend to resist ice loading. It includes 2,500 yards of MnDOT Class III. The estimated cost for repair is \$450,000-\$500,000.

Swenby stated this will fall under the state disaster declaration in 2023. She suggests written verification, before soliciting for bids. She would like a board action to authorize staff to move forward with the solicitation of quotes after the verification from the state that this is eligible. Herrmann will forward the deliverables to Swenby, to work with HSEM.

5. ACTION ITEMS.

Landowner Easement Request: District Property Easement: Regarding last month's request from Dean Johnson for a permanent easement for land access on the district's property owned adjacent to Project # 3, the district attorney is recommending an agreement vs. a permanent easement, noting that a license to use the property would be more appropriate. The district attorney did not recommend a recorded document. He stated it would take an hour or two to draft an agreement with the following:

1. Limit of liability for the Sand Hill River Watershed District from any actions taken by the grantee or those the grantee authorizes access (renters, drivers, etc). This should include any property or bodily harm caused directly or indirectly through the actions of the grantee. This may require insurance for the grantee and those the grantee authorizes access to. The district attorney will set these parameters.

2. The agreement would not guarantee access over Project 3. If the district ever does an improvement or repair, the district would not want to have their hands tied due to this agreement. The district would also want the ability to build within the agreement (thinking if there is ever a ditch improvement or repair that makes the ditch wider and/or requires more space for spoil).
3. Establish responsibilities for restoring the property for any damages incurred by the grantee, at the discretion of the grantor.
4. Establish priority use of the property. The district will want something that states that we have priority access at our discretion.
5. This would not be a perpetual agreement. This would be an agreement for only as long as the Watershed owns the property or revokes the agreement.
6. Grantee pays all legal fees, est. about 2-3 hours.

Swenby suggested that if the board moves forward, she could get it in writing from Johnson that he would be responsible for the attorney fees, estimated to be about 2-3 hours for the drafting of the agreement.

A **Motion** was made by Manager Andringa to draft an agreement granting access to Johnson with the above listed parameters, **Seconded** by Manager Engelstad. **The Motion was carried.**

Project 27: Last month the board approved and signed a declaration/covenant at the interconnect on Boll's property. Bryan Boll's attorney has suggested revised language. Swenby reported that the district attorney has reviewed. Swenby provided a revised easement that clarifies that the SHRWD has the responsibility to pay for the work that would be performed under paragraph 8.

A **Motion** was made by Manager Engelstad to approve/sign the revised declaration and covenant as presented, **Seconded** by Manager Andringa. **The Motion was carried.**

FEMA: FEMA has asked for written verification for the hiring of HEI for the contracted services pertaining to the Sand Hill Ditch and the damages incurred in 2022. Swenby provided draft language.

A **Motion** was made by Manager Brekke to approve/sign the written verification designating HEI as the consultant hired by the district relating to damages incurred in 2022 along the SH Ditch, **Seconded** by Manager Engelstad. **The Motion was carried.**

Water Storage Grant: Swenby reported that there is a new grant available through BWSR called the Water Storage Grant. She began to investigate this to see if any smaller storage sites (and/or a compilation of smaller sites) would be a good fit for this type of grant, at the inquiry of Manager Engelstad. Manager Engelstad would like to learn more about opportunities in the district that may include smaller sites that are "off channel", and if implemented as a unit, could be measurable.

Swenby stated that while researching this grant opportunity, she learned that projects using this grant will establish storage practices in Minnesota with priority given to practices in the Minnesota River basin and the Lower Mississippi River basin in Minnesota." Unfortunately, the Sand Hill River Watershed District wouldn't be a priority region for storage using this grant, however she pointed out that it doesn't make the district ineligible. She reported that this grant is subject to prevailing wage, so that might affect construction costs.

She stated that there are two pots of money, one for conceptual design and the other is for final design and construction. Of the \$3 million of total available funding, \$500,000 is the maximum that can be used for conceptual design and modeling.

According to the grant, the following are listed as "Ineligible Expenses":

- Activities that do not demonstrate a reduction in the hydrograph peak or volume at an area of interest.
- Activities that are multi-phase, multi-year storage systems (i.e. – the project must not rely on components that will be constructed at a later time in order to get the reduction in peak flow rates and/or volumes)
- Maintenance or repair of existing structures/storage projects.
- Model development of a MS Chapter 103E public drainage system that consists of an Improvement. This modeling must be completed before the work plan is approved so that the grant funds will only be used to model the addition of storage on the system. (so, if we were improving capacity in a legal ditch system, modeling would be paid for by the assessed area.)

At the FDRWG Annual meeting Swenby learned that six applications were received with a \$3.075 Million total requested. Only two of the six applications were in the priority area. Three of the six were funded. She believed the grant is open to applications quarterly.

A concern found during prior investigations into storage in the Kittleson watershed was landowner interest in funding future maintenance through special assessments for any potential sites. For this particular grant, The Water Storage Grant does not have perpetual project life expectancy and may reduce maintenance concerns.

Herrmann added the following scoring criteria:

- i. Project description: 20 pts
- ii. Priority Location: 10 pts (all/nothing; priority given to MN River Basin)
- iii. Prioritization: 5 pts
- iv. Measurable Outcomes: 25 pts
- v. Project Readiness: 30 pts
- vi. Cost Effectiveness: 10 pts

Manger Engelstad presented a few ideas for locations and stated he and Manager Andringa toured some of these sites throughout the month. Manager Engelstad stated that talked to a landowner in passing about possible interest for water storage on his property. Swenby believed some of the sites named would include 103E systems, and some would be projects may be required to be established using 103D. Ultimately each site would be handled uniquely according to the statutory process required.

If the board wants to pursue grant funding at this time for smaller sites on tributaries or legals systems, Swenby suggested that a project team could be a solution to develop feasibility and to acquire data about the sites. The grant requires technical data, and she said that the Project Team process provides a financial mechanism to help obtain information needed and it will evaluate if there are feasible alternatives regarding cost vs. benefit. If the district chooses to establish a project team, that could take away additional funding that could be allocated to the SH Ecosystem Restoration at the end of the fiscal year from the FDRWG.

Swenby didn't feel like the district had enough information to determine beneficial impacts of smaller storage sites and suggested an option of asking Herrmann for some preliminary work to acquire a high level overview of data before the board determines if a project team should be initiated.

After discussion from the board four options for proceeding forwarded were discussed:

- Option 1: Solicit additional data from the district engineer using the Data and Acquisition fund to learn more about the feasibility of a few selected sites and to obtain data that would provide feasibility for moving forward with a Project Team process, applying for a grant using the BWSR storage grant program, and/or establishing Water Management Districts for smaller storage sites using 103D. Evaluation of identified sites that impact the SH River Ecosystem Project will be funded by the project team, as already directed by the project team at the last meeting.
- Option 2: place these discussions on hold until things settle down with the SH Ecosystem Restoration Project Team, giving staff opportunity to fully focus on the current directives of the board and allowing time for the grant to expand the priority area in the future.
- Option 3: Dive head in with the intent of submitting a grant application, forming a project team to evaluate the feasibility of smaller storage sites.
- Option 4: Submit a grant application using Manager Engelstad's identified sites and not utilize the project team.

After discussion, the board felt Option1 will serve as a "first cut" at benefits for smaller distributed storage sites and would rely on existing modeling data and storage information easily derived from LiDAR data. While this analysis will not give a good indication on costs of each project, it will define "how many" of the smaller sites would be required to reduce flooding in certain target areas (areas of interest).

A **Motion** was made by Manager Brekke to move forward with Option 1, Seconded by Manager Andringa. **The Motion was carried.**

The managers received information from the Flood Damage Reduction Work Group. There was no other business presented by the managers.

7. PERMITS:

The following permits were presented to the managers:

2024-04: Solheim Farms, Section 29, Russia Township, Install Tile
2024-05: Gelene Gullekson, Liberty Township Section 7, Clean existing ditch/improve side slopes for mowing
2024-06: Brent Gullekson, Reis Township Section 1, Clean existing ditch/improve side slopes for mowing
2024-07: Brian Gullekson, Russia Township, Section 36, Clean existing ditch/improve side slopes for mowing
2024-12: Rachel Miller, MnDot, Hubbard Township, Section 18, Install pipe liner in existing culvert

The work for the following permits were approved last month, but paperwork was received that correlated with the correct landowner application.

2024-08: Laura Balstad, Section 28, Russia Township, Install Tile
2024-09: Laura Balstad, Section 33, Russia Township, Install Tile
2024-10: Nancy Christian Trust, Section 33, Russia Township, Install Tile
2024-11: Nancy Christian Trust, Section 33, Russia Township, Install Tile
Permit Extensions: Request to extend for one year Permit 23-021, Permit 23-020, Permit 23-019

Herrmann had no objection to the work being performed on the permits listed. Board approved conditions apply.

A **Motion** was made by Manager Andringa to approve permits 24-04 through permit 24-12, **Seconded** by Manager Bartz. **The Motion was carried.**

8. ADJOURNMENT:

The next regular meeting will be held May 2, 2024, at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Engelstad to adjourn the meeting at 11:29 AM, **Seconded** by Manager Bartz. **The Motion was carried.**

Donna Bjerk, Administrative Assistant

Shawn Brekke, Secretary