

SAND HILL RIVER WATERSHED DISTRICT

July 2, 1996 Meeting Minutes

- 1. Attendance:** Roger Hanson called the July 2, 1996 meeting to order at 7:00 a.m. at the District Office. Managers present were Dan Wilkens, Harold Vig, Ray Baatz, and Jimmie Krogstad. Others in attendance were Naomi Jagol-SHRWD Administrative Assistant, Lawrence Woodbury-SHRWD Engineer, Wayne Goeken-AELC, Allan Dragseth, and Leroy Morvig.
- 2. Agenda Review:** No changes to the agenda were noted.
- 3. Minutes:** Motion by Krogstad to approve the minutes of the June 4, 1996 SHRWD regular Board meeting as mailed. Motion seconded by Vig and carried unanimously.
- 4. Treasurer's Report:** Wilkens handed out and reviewed the Treasurer's report. Bills that had been submitted for payment were then reviewed. Motion by Vig and second by Krogstad to approve the Treasurer's report and pay the bills as presented. Motion carried unanimously.

Payment Made to - Memo	Amount
Naomi Jagol—secretarial services & expenses	\$571.03
Raymond Baatz— meetings & expenses	65.79
Roger Hanson— meetings & expenses	97.42
Jimmie Krogstad— meetings & expenses	56.79
Harold Vig—meetings & expenses	128.47
Dan Wilkens— meetings & expenses	51.09
Al & Laura's— Supplies	62.94
Anderson & Bailly— Services rendered for Project #12, 98 & 148	4,135.69
City of Fertile-Utility bill	93.67
Dahl, Hatton, Muir & Reese, LTD-Final billing for 1994 Audit	1,122.90
Fertile Bakery—Meeting expense	6.00
First State Bank of Fertile— Soc. Sec./Med. deposit	127.90
First State Bank of Fertile— Deposit tickets	15.97
Garden Valley Telephone Co.— July phone bill	102.55
Houston Engineering, Inc.— Misc. work, Meetings, & Special meetings, & Projects	20,837.35
Otter Tail Power Co.— July billing	111.59
The International Coalition— Membership renewal	250.00
MONTHLY TOTAL	\$27,837.15

5. Project Reports:

- a.) Liberty-Onstad Township Ditch: Hanson asked if the gate management agreement has been drawn up yet. Wilkens responded that this should be completed by month end.

- b.) Sand Hill Ditch: Woodbury indicated that Polk County has been declared a federal disaster area due to the extensive flood water damage experienced this spring. Woodbury stated that he had contacted representatives of FEMA in Crookston and that they would be evaluating the extent of the damages in order to determine a basis for disaster assistance. Woodbury noted that the government will only fund public entities and watersheds come under this declaration. Woodbury further stated that FEMA will provide assistance in order to restore a ditch to its original condition, however, they will not fund improvements. Krogstad questioned whether more sloughing is developing in the Sand Hill River channel. Hanson responded that more sloughs are developing in a 6 - 7 mile stretch and that the holes that have washed out will need to be filled. Woodbury noted that when this ditch was built too few drop structures were installed and that the flow needs to be slowed down. Woodbury also stated that this ditch was built with 3 to 1 side slopes in error and that these slopes need to be flattened.
- c.) Project #11-Beltrami Flood Control & Diversion: Woodbury stated that the permit has been received from the DNR but the District is still waiting for approval from the Army Corps of Engineers. Wilkens added that the attorney for the District will be contacted to determine when a hearing should be scheduled regarding this Project.
- d.) Beltrami Railroad Trestle: Hanson inquired of Woodbury if he had viewed the railroad crossing at the Gary Gullekson driveway. Woodbury indicated that he had and further stated that the railroad has recognized responsibility to Gullekson regarding repair.
- e.) Ditch 17-2 Outlet: Leroy Morvig visited with the Board regarding the culvert by Bill Harstad. Morvig noted that when water comes from the south and down the hill, it washes out the culvert. Wilkens inquired as to the size of the current culvert and also height of the road. Morvig responded that the current culvert is 36 inches. Vig questioned whether this was a township road or not and Morvig indicated that it was. Krogstad stated that there is no holding capacity of water by the road but that adding one more culvert probably wouldn't solve the problem. Krogstad asked Morvig if there was any disaster money available to the township. Morvig responded that someone was coming out this month to assess the damage in this area. Morvig also asked the Board if a permit was needed to replace worn out culverts. Wilkens indicated that if more than \$500 in improvements are done then a permit is needed. Hanson stated that Morvig should wait and see what disaster funds are available and then decide what improvements should be made.
- f.) Project #12, 98 & 148: Allen Dragseth approached the Board regarding the appeal by the District of the Judge's original ruling. Dragseth noted that the opponents will continue to appeal the decision of the District to deny the rescission petition based on the 60% issue. Dragseth also inquired as to the mission and the overall goal of the District. Hanson responded that the District wants to promote more environmentally friendly and educational aspects rather than just drainage. Dragseth stated that he understood the District was established to promote cooperation between counties and questioned the involvement of the Red River Watershed Management Board in this litigation. Wilkens stated that with regard to the participation of the RRWMB, these particular types of cases are occurring in several watershed districts and that it is of particular importance to the RRWMB that the courts discern between the applicability of 103D or 103E in cases of this nature. Dragseth noted that there are primarily two areas that the opponents and the District are in disagreement about. The first one concerns whether a majority of the landowners along the Project are in favor of the proposed improvements. Dragseth indicated that the, names typed on the rescission petition are the original petitioners of the Project, but also included in the petition are various landowners along the Project which when combined would give a 75-80% majority opposition. And secondly, Dragseth stated that when interpreting the rescission petition, the only land called for in determining the 60% issue are the 40 acre tracts of land in the Project. Hanson responded by inquiring of Woodbury what amount of land was used in the

calculation of the 60% determination. Woodbury indicated that the determination was based on the original ~" petition filed with the District which would have included both 40 acre tracts of land and also various land within the Project. Dragseth stated the District's basis for determining the 60% issue was arbitrary and not accurate. Hanson noted that if the proposed Project were dropped, Dragseth would not be able to implement his plan since it is not legal to widen, deepen, or change culverts, all of which are included in Dragseth's plan. Dragseth stated his plan was feasible and that the costs of his proposal would be about 1/4 of those of the District's Project. Dragseth concluded by asking the Board to abide by the District Court's decision and not to continue to fight the opposed landowners. Hanson stated that the Board will seek the advise of council to determine what the next course of action would involve.

g.)Project #13 - Scandia Ditch: Wilkens stated that the Board should coordinate an informational public hearing regarding this Project with the District's attorney. Therefore, if the County should decide to do this Project this fall we would be ready.

6. Upcoming Meetings and Other Business:

a.)Board Reorganization: President Hanson turned the meeting over to Naomi Jagol to serve as moderator for the reorganization proceedings. Naomi Jagol asked for nominations for President of the Board. Vig nominated Hanson to continue serving as acting President. Nominations were called for three times by Naomi Jagol. Motion by Wilkens to cease nominations. A unanimous ballot was cast for Roger Hanson as President of the Board. Motion seconded by Vig and carried.

Hanson asked for nominations for Vice-President of the Board. Vig nominated Baatz to continue serving in this capacity. Nominations were called for three times by Hanson. Motion by Krogstad to cease nominations. A unanimous ballot was cast for Raymond Baatz as Vice-President of the Board. Motion seconded by Wilkens and carried.

Hanson asked for nominations for Secretary of the Board. Baatz nominated Krogstad to continue serving in this capacity. Nominations were called for three times by Hanson. Motion by Wilkens to cease nominations. A unanimous ballot was cast for Jimmie Krogstad as Secretary of the Board. Motion seconded by Vig and carried.

Hanson asked for nominations for Vice-Secretary of the Board. Wilkens nominated Vig to continue serving in this capacity. Nominations were called for three times by Hanson. Motion by Krogstad to cease nominations. A unanimous ballot was cast for Harold Vig as Vice-Secretary of the Board. Motion seconded by Baatz and carried.

Hanson asked for nominations for Treasurer of the Board. Krogstad nominated Wilkens to continue serving in this capacity. Nominations were called for three times by Hanson. Motion by Vig to cease nominations. A unanimous ballot was cast for Daniel Wilkens as Treasurer of the Board. Motion seconded by Baatz and carried.

b.)Sand Hill River Watershed District's Summer Tour: Wayne Goeken, AELC, presented to the Board a draft of suggestions to help in implementation of the proposed tour. Vig and Baatz volunteered to help coordinate details of the tour with the Sand Hill Advisory Committee., Motion by Wilkens to sponsor the watershed ~~^{o^} district tour and second by Vig. Motion carried.

c.)Status of Annual Reports: Wilkens reported that Goeken is in the process of completing the reports. Wilkens also stated that the 1995 information needs to be given to the Board's auditor for review.

7. Permits:

a.) Five permits that came before the Board for review were approved as follows:

- 1996-09 Woodside township - Install a culvert in Section 36.
- 1996-10 Woodside township - Install a culvert in Section 36.
- 1996-11 Woodside township - Install a culvert in Section 36.
- 1996-12 Robert Cournia - Install a culvert in Russia township, Section 29.
- 1996-13 Lee Nursery, Inc.- Clean existing ditch in Godfrey township.

8. Adjournment: The next regular meeting of the SHRWD will be 7:00 a.m. Tuesday, August 6, 1996. As there was no further business to come before the Board, motion by Baatz and second by Vig to adjourn. Motion carried unanimously.

Jimmie Krogstad, Secretary

Naomi L. Jagol, Administrative Assistant