

## SAND HILL RIVER WATERSHED DISTRICT

May 2, 2000 Meeting Minutes

- 1. Attendance:** Chairman Hanson called the May 2, 2000 meeting to order at 7:00 a.m. at the District Office. Other managers present were Bill Brekke, Jr. and Harold Vig. Others in attendance were Daniel Wilkens-Administrator, Naomi Jagol-Administrative Assistant, Jim Larsen-Houston Engineering, Inc., and Rudy Applequist.
- 2. Agenda Review:** No additional items were added to the agenda
- 3. Minutes:** Motion by Manager Vig to approve the minutes of the SHRWD regular Board meeting held on April 4, 2000 as mailed, Seconded by Manager Brekke, Carried.

Manager Hanson stated that a couple of the managers had discussed the possibility of changing the format of the minutes to include only the requirements listed in Roberts Rules of Order. He requested the board to comment on the current format of the minutes.

Manager Vig noted that it would be difficult to identify items that should not be included in the minutes since the discussions had taken place a month earlier. He added that it would be difficult for the board to dispute minutes that had been approved.

Manager Hanson noted that he was not in favor of changing the format of the minutes since the discussion included in the minutes is very informative.

Wilkens referred to an issue that was recently addressed by the District regarding removing the block on a culvert in Scandia township. He noted that the minutes were researched as far back as 12 years ago to determine why the culvert had been blocked. He added that had the detail not been included in the minutes, the District would not have been able to determine the rationale behind the decision.

Wilkens added that the minutes are distributed to over 100 individuals including township officers and county officials. He stated that the minutes serve as an informational tool for individuals within the District.

Manager Vig inquired whether the detail could be used against the District in a court of law. Wilkens responded that he had visited with Don Ogaard, Executive Director of the RRWMB and former Administrator of the Wild Rice WD, regarding this issue. Ogaard indicated that in each lawsuit involving the Wild Rice WD, the minutes were subpoenaed and used as evidence. Ogaard added that the minutes were used to abdicate the District of wrongdoing due to the level of detail that was included that supported the rationale for decision-making.

Manager Hanson requested Wilkens to discuss this issue with other watershed districts to determine the level of detail included in their minutes. Wilkens stated that once the Governing Documents are published, Ogaard plans to attend the individual board meetings to review the document and added that he could further address this issue as well. Manager Vig noted that he did not believe changing the format of the minutes was an urgent matter.

- 4. Treasurer's Report:** Wilkens distributed the Treasurer's report. Motion by Manager Brekke to approve the Treasurer's report as presented, Seconded by Manager Vig, Carried.

Wilkens reviewed the bills to be approved. **Motion** by Manager Brekke to approve and pay bills, **Seconded** by Manager Vig, **Carried**. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

## 5. Project Reports:

- a. Project #01, Bear Park: Larsen stated that following the board meeting, he and Wilkens plan to check the spillway elevation on the project.
- b. Project #08, Ogaard Impoundment: Larsen referred to the previous monthly meeting and noted that Manager Krogstad had inquired about the status of the Ogaard Impoundment project. He explained that the project team had discussed the potential project and additional information was forwarded to the U.S. Army Corps of Engineers (USACE) representative at her request. He stated that not long after the information was forwarded to the USACE, a permit was issued for the project.

Manager Vig inquired as to why the problem area is referred to as a project. Wilkens explained that this area was considered for possible mitigation credits when the Winger Dam project was being investigated. Wilkens added that the land had been in CRP and the landowner (Don Ogaard) had offered to provide 12 acres of land at no cost to the District, with additional acreage to be purchased by the District. Wilkens noted that the survey and design work had been completed by the East Polk Soil & Water Conservation District. Wilkens stated that the project would have been built had the EIS not been initiated which put all projects of the watershed district in abeyance.

Manager Vig noted his concern relative to the conclusions reached in the International Joint Commission's (IJC) Red River Basin Task Force Report. Wilkens responded that the RRWMB is conducting an analysis of the report and will prepare a written statement based on the conclusions reached in the report.

- c. Project #11, Beltrami Flood Control & Diversion: Larsen stated that right-of-way markers had been replaced on the project.
- d. Project #12, County Ditches 98 & 148: Larsen explained that a landowner had inquired about seeding that needed to be completed on the project. He noted that he had contacted the contractor and added that he would verify where the seeding should be completed and notify the contractor.
- e. Project #13, Reis-Scandia: Larsen reported that right-of-way markers had been replaced on the project.

## 6. Upcoming Meetings and Other Business:

- a. Landowner Dispute: Manager Brekke explained that he and Wilkens visited with some landowners by Nielsville regarding a ditch issue. Wilkens stated that the issue involves a ditch that goes into the Red River, just across from the Sand Hill River on the North Dakota side. Wilkens added that the landowners had been having difficulty in dealing with the Trail County Water Commission.

Brekke stated that the landowners have engaged legal council in an attempt to resolve the issue prior to the USACE becoming involved in the dispute. Wilkens added that he had discussed the issue with Randy Giestvang of the North Dakota State Water Commission and would try to schedule a time when the problem area can be viewed.

- b. MAWD 2000 Summer Tour: Wilkens stated that the MAWD Summer Tour is scheduled for June 22-24, 2000 and is hosted by the Pelican River Watershed District in Detroit Lakes, MN. Don Hultman, Refuge

Supervisor with the U.S. Fish & Wildlife Service will be the summer tour keynote speaker. MAWD is also sponsoring a new manager's orientation workshop which will be offered prior to the summer tour. The workshop is in response to the establishment of several new watershed districts and the increasing turnover of manager's positions across the state.

**Motion** by Manager Brekke to authorize all managers and one staff member to attend the summer tour, **Seconded** by Manager Vig, **Carried**.

- c. Administrator's and Administrative Assistant's Monthly Reports: Wilkens and Jagol distributed and reviewed monthly activity reports prepared for the month of April.
- d. Polk County #41-Rebuild: Wilkens stated that a meeting was conducted on April 11, 2000 at the District office with the steering committee that was developed in response to the rebuild of Polk County #41. He noted that the purpose of the meeting was to provide the landowners with engineering cost estimates regarding various alternatives.

Wilkens explained that the cost estimates are regarding the outlet of the ditch which is full of trees and needs to be cleaned. He added that Nedra Hoberg of West Polk Soil & Water Conservation District had obtained some funding which could possibly be used to help fund a bank stabilization project. He noted that should the slope of the ditch be reduced as it continues to the outlet, along with a drop structure installed at the end, the bank stabilization could be greatly improved.

Wilkens stated that the next step for the steering committee would be to obtain legal council to answer some questions. He added that Roger Diesen and Don Bakken were going to determine whether the legal council on retainer by the county could be used to answer the questions.

Manager Vig added that the steering committee would need to present a petition to the District prior to proceeding with the project. Manager Hanson noted that a significant cost savings could be obtained by constructing the ditch project in concert with the Polk County #41 rebuild.

- e. Polk County #51: Larsen stated that he had reviewed the permit for the project and following the meeting today he would view the area with Wilkens to determine whether the District could approve the permit.

Manager Vig inquired whether any drainage projects are being proposed in conjunction with the Polk County Highway Department project. Wilkens responded that drainage is almost nonexistent in that area. Larsen added that he had discussed the hydrology of a culvert going across Maple Creek with Roger Diesen and noted that he would observe the area on his tour today.

- f. Polk County #14-Scandia Church: Wilkens reviewed a map of the area forwarded by Randy Hamre. He inquired whether the District should authorize an engineer to do some surveying work on the problem area.

Manager Vig inquired whether the landowner would be responsible for the engineering expense. Manager Hanson noted that the problem deals with more than just one landowner.

Larsen stated that he would prefer to send out surveyors from Houston Engineering, Inc. to conduct the survey work since it would be more efficient. Manager Vig noted his concern relative to authorizing a

survey crew to view the problem area. Wilkens explained that it is the policy of the District to get water into the Sand Hill River rather than allowing it to run over exposed soil.

Brekke inquired whether the District would consider sharing the cost of the survey with the landowner. Manager Vig responded that he would be in favor of cost sharing with the landowner.

Wilkens stated the importance of determining hydraulic sizes in order to remedy the problem. Larsen estimated the survey work to cost approximately \$3,000.

**Motion** by Manager Brekke to authorize the surveying should the landowner pay 1/3 of the cost, **Seconded** by Manager Vig, **Carried**.

**7. Permits:**

a. Two permits came before the Board for review and were approved as follows:

- 2000-15 Polk County Highway Department – Install culvert in Scandia/Hubbard townships, Sections 7, 8, 9, 10/8, 9, 10, 11, 12.
- 2000-16 Polk County Highway Department – Install culvert in Liberty/Reis townships, Sections 7, 8, 9, 10/9, 10, 11, 12.

**8. Adjournment:** The next regular meeting of the SHRWD will be 7:00 a.m. Tuesday, June 6, 2000. As there was no further business to come before the Board, the meeting was adjourned at 9:30 a.m.

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Robert Brekke, Jr., Secretary

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Naomi L. Jagol, Administrative Assistant