

SAND HILL RIVER WATERSHED DISTRICT

October 5, 2004 Meeting Minutes

- 1. Attendance:** Chairman Hanson called the September 7, 2004 meeting to order at 8:00 a.m. at the District Office. Other managers present were Bill Brekke, Stuart Christian, and Harold Vig. Others in attendance were Daniel Wilkens-Administrator, April Swenby – Administrative Assistant, Lawrence Woodbury -Houston Engineering, Jody Beauchane – Polk County Highway Department, Joyce Downs, and Eric Downs.
- 2. Approval of the Agenda:** A **Motion** was made by Manager Brekke to approve the agenda, **Seconded** by Manager Vig, **Carried**.
- 3. Minutes:** **Motion** was made by Manager Vig to approve the minutes of the SHRWD regular board meeting conducted on September 7, 2004, **Seconded** by Manager Christian, **Carried**.
- 4. Treasurer's Report:** Wilkens distributed the treasurer's report for the month of September. A **Motion** was made by Manager Christian to accept the treasurer's report as presented, **Seconded** by Manager Vig, **Carried**.

Motion was made 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. Engineer's Report:

Ditch # 122 – Jody Beauchane – Polk County Highway Department, distributed handouts containing a history of the ditch prior to 2000. Beauchane stated this ditch has been a problem for the county and a solution has been unable to be found despite several attempts. He predicts future problems by Engelstad's and Jerde's but will not pursue this until the landowner's request it to avoid unwanted assessments. Beauchane was unable to find paperwork containing the redetermination of benefits for the ditch but will continue to look.

Woodbury presented his findings on other alternatives as previously requested by the board. He estimated \$105,000 for alternative I. He estimated \$100,000 for alternative II as an open ditch. The ditch would need to be very deep to get the water to run south and due to the sandy soils would need frequent maintenance. Power poles would need to be moved if this alternative was selected. He estimated that if underground pipe was used, the cost would increase to \$200,000.

Joyce Downs informed the board that she was told that this is a waterway and that if it is a waterway; it is illegal to run it through their property without 60% of the landowner's signatures. Wilkens explained that the district is using statute 103D.701 item 2, which requires a unanimous resolution of the board to initiate a project. Chairman Hanson also said that the watershed is open at this time to exploring other alternatives. Wilkens asked Downs if she had other suggestions for a solution to the problem. She did not have any other alternatives in mind. Downs re-expressed her concerns of the potential to lose her shallow well water and having water in her basement. Manager Christian assured Downs that the board would like to find a solution that will benefit all involved.

The managers discussed the cost vs. benefits for alternative II. Wilkens was directed to contact the watershed attorney to discuss the legal aspects of going forward with the project and report back at the next meeting.

6. Dan's Report:

Project Team: The project team is scheduled to meet on October 12, 2004.

RRWMB: The RRWMB met on September 21, 2004.

RRBFDRWG: The RRBFDWRWG will meet November 17.

RRBC: The RRBC met on September 2, 2004 in Winnipeg. The next meeting is November 4, 2004

PROJECT 17: The Polk County Highway Department had questions about how to proceed with the ROW acquisition. Do they purchase the entire ROW or do they purchase the road ROW and the district purchase the ditch ROW through the legal process? Wilkens will contact the watershed district attorney and have him discuss this item with the county attorney to determine how this should be handled.

Fish Passage: The managers decided to wait until next spring to decide how to handle the state funds that are available for this project. They encouraged continued contact with Maynard Pick to see if Congressman Peterson can get the state money to count toward the local share for the Army Corps of Engineers in a bill next session.

Union Lake Flood Control and Erosion Project: The landowner and renter have agreed to place the upstream problem area into CRP. PCA is requesting a 319 grant for erosion control downstream. This appears to not fit the coming year criteria for 319 projects. That leaves a challenge grant application through the Board of Water and Soil Resources as the last possibility for outside funding help with this project.

Jerde Erosion Control Project: The project is complete except for ROW markers. The grass cover is growing very well. The watershed district attorney is developing an option for easements.

Beltrami Slough by Highway # 9: The bid opening is still scheduled for the December meeting. A **Motion** was made by Manager Christian to approve the following resolution, **Seconded** by Manager Brekke, **Carried**.

RESOLUTION

WHEREAS, The Sand Hill River Watershed District intends to make certain improvements for ditch slope stabilization on a portion of T.H. 9 located approximately one-half mile South of Beltrami, MN on the East side of Mn/DOT Bridge number 60008 in Polk County.

WHEREAS, The Sand Hill River Watershed District has requested participation from Mn/DOT for ditch slope stabilization improvements on the portion of the project which is on Mn/DOT right-of-way, and has requested to enter into a cooperative construction agreement for said improvements.

BE IT FURTHER RESOLVED that, the Sand Hill River Watershed District agrees to be the lead agency, and will prepare plans and specifications for such improvements, and following approval by Mn/DOT of the plans and specifications and execution of a cooperative construction agreement, award a contract for construction of such improvements.

Section 15, Hubbard Twp.: Survey crew worked on September 29. The board approved the letter to be sent to Ray Baatz.

Polk County # 1 rebuild: The project is proceeding as scheduled.

PC # 44/Section 35 Onstad: Wilkens has obtained preliminary cost estimates and a preliminary design. Wilkens will finalize landowner participation, obtain cost share agreement, bids and prepare for construction.

Pederson Bros Tiling permits: Bear Park Township requested permission to work in ROW forms. No word on easement and permission to work in Township ROW from Pederson Bros.

Ditch ROW: A letter was sent out letter on July 1, 2004. Wilkens will send out a letter to those infringing on the ROW after ditch inspection is complete.

Sand Hill Ditch at Widrig's: Contractor is waiting until the soybean crop is off. He was hoping to start soon.

Budget Hearing: The budget hearing was held on September 14, 2004 at 8:00 am. No one came before the board with questions or concerns. **Motion** was made by Manager Christian to adopt the proposed budget for 2004, **Seconded** by Manager Brekke, **Carried**

7. Other Business:

Data Practices Act (DPA): A **Motion** was made by Manager Christian to adopt the following data practices act, **Seconded** by Manager Brekke, **Carried.**

Sand Hill River Watershed District Policies and Procedures for Public Access to Documents

Public access to the data of public bodies is governed by the Data Practices Act (DPA), Minnesota Statutes, Chapter 13. The DPA states that data of public bodies are to be available to the public unless specifically exempted under the law in cases where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Sand Hill River Watershed District (SHRWD) recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of the SHRWD to comply fully with the DPA and, where the DPA allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to Section 13.03, subdivision 2 of the DPA, which states that every public body shall establish procedures to implement the DPA.

Procedure for Review of SHRWD Documents

All requests to inspect or receive copies of SHRWD data, and all other inquiries regarding the DPA, must be in writing and sent by U.S. Mail, addressed to the "Data Practices Compliance Official," at the following address:

*Sand Hill River Watershed District
PO Box 584
Fertile, MN 56540*

The SHRWD Administrator is designated as the Data Practices Compliance Official.

Requests to inspect or obtain copies of SHRWD data are to be in writing to ensure that the SHRWD's response is timely and complete. In the case of an individual who wishes to inspect SHRWD data, the Data Practices Compliance Official will help to ensure that documents of interest have been gathered, that documents to be withheld from inspection pursuant to the DPA have been segregated, and that someone is available to assist the requesting individual. The SHRWD will provide requested data for inspection at a public governmental building to be specified by the Data Practices Compliance Official. SHRWD files may not be removed.

The DPA requires that individuals be permitted to inspect or copy data within a reasonable time of a request. The SHRWD will attempt to respond to requests as quickly as possible. The response time will vary depending on the breadth of the request and the other matters requiring the attention of staff at the particular time.

If the SHRWD determines that certain data cannot be made available for inspection or copying, it will inform the individual of the classification of the data in question under the DPA and of the legal basis for denial of access. On the request of the individual, the SHRWD will certify in writing that the request has been denied and state the specific legal basis for denial.

The SHRWD may provide requested copies of data immediately or may advise that the copies will be provided as soon as reasonably possible thereafter. The ability to provide copies immediately depends on the number of copies requested, the availability of copying equipment, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversized documents, tapes, electronic data).

Costs

There is no cost to inspect documents. If document copies are requested, the requesting individual will be charged 10 cents per page for ordinary-sized documents.

With respect to oversized copies, tapes, electronic data, photographs, slides and other unusual formats, the requesting individual will be responsible for the actual cost incurred by the SHRWD to make the copy itself or to use a vendor.

An individual requesting copies or the electronic transmittal of data is responsible to pay the SHRWD the actual cost, including the cost of staff time, to search for and retrieve data and to make, certify, compile and transmit copies. Staff costs will be assessed based upon established hourly rates.

If an individual so asks, before copies are made the SHRWD will advise of the approximate number of pages of documents responsive to a request or the likely cost of responding to a request. Payment may be made by cash or check. The SHRWD may require payment in advance.

When an individual asks for a copy of data that have commercial value and were developed with a significant expenditure of public funds by the SHRWD, the SHRWD may charge a reasonable fee that relates to the actual cost of developing the data. As a condition of making certain commercially valuable data available, the SHRWD may require execution of a license agreement limiting use or further distribution.

8. Permits: A **Motion** was made by Manager Sonstelie to approve the following permits, **Seconded** by Manager Christian, **Carried**.

2004-41 Burd Farms Clean ditch section 10 Hubbard Twp.

2004-42 Garden Valley Telephone Co. Directional Boring under Kittleson Creek on Hwy 102 section 6 Garfield Twp.

2004-43 James Bowling Clean ditches, section 11 Vineland Twp.

2004-44 James Bowling, Karen Suldahl, Darin Engelstad, Fern Letnes, Clean ditches and install culverts section 10, Vineland Twp.

2004-45 James Bowling, David Rognlie Construct new ditch and clean existing ditches, install culvert section 17 Hubbard Twp.

2004-46 DuWayne Engelstad, Clean existing ditches, section 35 Vineland Twp.

9. Adjournment: The next regular meeting of the SHRWD will be at **8 a.m. on Wednesday, November 3, 2004, due to Election Day**. As there was no further business to come before the board, a **Motion** was made by Manager Christian to adjourn the meeting, **Seconded** by Manager Brekke, **Carried**.

Robert Brekke, Jr., Secretary

April Swenby, Administrative Assistant