

SAND HILL RIVER WATERSHED DISTRICT

August 7, 2018

1. **Attendance:** Chairman Stuart Christian called August 7, 2018 to meeting to order at 8:25 AM at the District Office. Other managers present were Clayton Bartz (arrived at 8:45 AM) JJ Hamre, Dan Vesledahl and Roger Hanson. Two staff members were present: Daniel Wilkens – Administrator and April Swenby – Administrative Assistant. Others in attendance include Gerald Paulson – Landowner, Bill Downs – Landowner, Joyce Downs – Landowner, and Zach Herrmann – Houston Engineering.
2. **Approval of the Agenda:** A **Motion** was made by Manager Hamre to approve the agenda as presented, **Seconded** by Manager Hanson, **Carried**.
3. **Minutes:** A **Motion** was made by Manager Hanson to approve the minutes from the July 3, 2018 meeting, **Seconded** by Manager Hamre, **Carried**.
4. **Treasurer's Report:** Swenby noted that annual audit journal entries were made as per the recommendation of the auditor and reflected in the annual audit report. These entries do not affect the cash balance, but the managers may notice a balance change in individual funds. Report's will be re-printed for permanent filing to reflect the changes requested by the auditor.

Wilkens read the Treasurer's Report. A **Motion** was made by Manager Hamre to approve the treasurer's report for July, **Seconded** by Manager Vesledahl, **Carried**.

Swenby noted that the checking account balance is quite large and asked about the timeline for anticipated disbursements for upcoming project expenses. Herrmann advised the district to not invest their checking account balance at that time to allow for cash flow for the upcoming projects and clean water fund grants.

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

Anderson, Bottrell, Sanden & Thompson	500.00
Brady & Martz	7,050.00
City of Fertile	39.00
Fertile Hardware Hank	132.55
Garden Valley Telephone Company	235.39
Hannah Campbell	90.00
Houston Engineering	41,234.15
Minkota Technologies	245.40
Otter Tail Power Company	195.21
Sam's Club	31.08
Trond Technologies	375.39
VISA Credit	276.80
Wild Rice Electric	130.88

A **Motion** was made by Manager Hanson, to approve and pay the above listed bills, **Seconded** by Manager Hamre, **Carried**.

5. Engineer's Report

Climax Ring Dike: Swenby informed the managers that the City of Climax has reimbursed the district \$12,261.55 for pre-grant expenses.

Since 2011, the district has charged \$3,071.04 to the City of Nielsville for interested incurred and \$4,662.42 to the City of Nielsville. Interest is not an allowable reimbursable expense by the state. A **Motion** was made by Manager Vesledahl to reverse the interest expenses to both Nielsville and Climax ring dike accounts, **Seconded** by Manager Hamre, **Carried**.

Two easements landowner checks were cut in June to meet the deadline for the grant of June 30, 2018. Several attempts to contact the landowners have been unsuccessful. It was suggested to void the checks and proceed with the City ordinance that is in place to address the areas behind these properties. A **Motion** was made by Manager Hanson to void the checks to the landowners and proceed with the City Ordinance that is in place, **Seconded** by Manager Hamre, **Carried**.

Nielsville Ring Dike: According to the grant agreement, the City of Nielsville is only responsible for \$5,000, if the project does not proceed. The district has currently expended \$9,805.60 in pre-grant expenses. The managers discussed the option of billing the City of Nielsville for the pre-grant expenses or holding the balance until funding is received and a project is built. Regardless, the State of MN will not reimburse for expenses incurred pre-grant. The manager agreed to hold the balance over \$5,000 and wait to see if the project sees fruition.

Fish Passage and Grade Stabilization: A **Motion** was made by Manager Vesledahl to sign the joint permit application (WCA and USACE 404), **Seconded** by Manager Bartz, **Carried**. The MN DNR Public Waters Permit will be amended from previous application. The Corp 408 permit will be applied for as well. Herrmann suggests advertising for bids in August with recommending the award at the September board meeting. A **Motion** was made by Manager Bartz to authorize bid advertisement pending permit approval, **Seconded** by Manager Vesledahl, **Carried**.

Herrmann is currently updating the plans to a DOT standard format in hopes of obtaining state bridge funds for the Kittleson Creek Outlet.

Carlson Coulee: Herrmann has spoken with Luther Aadlund, DNR, at length to respond to his comments regarding the need for this project.

DFIRM: Maps were scheduled to be effective 6/7/17 but as of yet this has not happened. After the maps become effective we will then pursue corrective action if needed.

Upper Sand Hill Detention Sites (RCPP): Hydraulic modeling is finished and will be presented at the Project Team meeting on August 14, 2018.

Project #5: A **Motion** was made by Manager Bartz to accept the Viewer's Report, **Seconded** by Manager Vesledahl, **Carried**. After confirmation from Eddie Bernhardson, lead viewer, a meeting date was chosen and set for September 18, 2018 at 9 AM at the district office.

Herrmann read the following findings and order:

Findings:

1. The Sand Hill River Watershed District is the drainage authority for Project No. 5.
2. On April 4, 2017, the Sand Hill River Watershed District Board of Managers found that benefit amounts in the current Viewers Report do not reflect reasonable present-day values, and that

benefited or damaged areas have changed and ordered the initiation of a redetermination of benefits and damages for Project No. 5 pursuant to Minn. Stat. § 103E.351.

- 3. On April 4, 2017, the Sand Hill River Watershed District Board of Managers appointed viewers to redetermine benefits pursuant with Minn. Stat. § 103E.311 through MN Stat. § 103E.321.
- 4. On August 7, 2018, the viewers filed the viewers’ report with the secretary.
- 5. Within 30 days after the viewers’ report was filed, the secretary made a property owners’ report from the information in the viewers’ report in conformance with the requirements of Minn. Stat. § 103E.323, subd. 1. A copy of the property owners’ report was mailed to each owner of property affected by the proposed drainage project and an affidavit of mailing is on file with the drainage authority.
- 6. Pursuant to Minn. Stat. § 103E.325, subd. 3 the final hearing must be noticed by publication, posting, and mail.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Project # 5, hereby orders as follows:

- A. A public hearing on the viewers’ report shall be held on Tuesday, September 18, 2018, at 9:00 a.m. at the Sand Hill River Watershed District Office (219 N Mill Street, Fertile, MN 56540).
- B. The secretary shall publish notice of the public hearing once per week for three successive weeks in a newspaper of general circulation in the proposed project.
- C. The secretary shall post a printed copy of the public hearing notice for each affected county at least three weeks before the date of the public hearing at the front door of the courthouse in each county.
- D. Within one week after the first publication of notice, the secretary shall give notice by mail of the time and location of the public hearing to all property owner, and others affected by the proposed drainage project and listed in the viewers’ report.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 4 yeas, 0 nays, 0 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
Bartz	■	□	□	□
Hamre	■	□	□	□
Hanson	■	□	□	□
Vesledahl	■	□	□	□
Christian	□	□	□	□

A **Motion** was made by Manager Hanson to accept the orders findings and set the date as September 18th, time, 9:00 am and place, Sand Hill River Watershed District Office, 219 North Mill Street, for the final hearing, **Seconded** by Manager Hamre, **Carried**.

Ditch #80 Preliminary Hearing: The final hearing is set for 1:30 PM today.

Ditch Inspections: Herrmann has spraying maps and plans on submitting them to the sprayer next week.

Verdell Olson Dam Maintenance: A field survey of the outlet channel and upstream ditch was completed. Herrmann has developed an option which lowers the ditch channel and the outlet pipe to provide more depth and grade to channel upstream of the dam. Herrmann provided a plan and profile sheet.

Union Lake Sarah Pump: The connection between Union Lake and Lake Sarah was surveyed. Variations in the construction plan design profile and the surveyed elevations exists. The existing ditch appears high by 1-3 feet. Herrmann is reviewing available data to determine why there is a difference in elevations. Proper elevation needs to be established to set proper grades for pipe options. Herrmann will confer with Widseth, Smith and Nolting to determine the discrepancies. Wilkens reported that at the time, easements were not obtained when the ditch was dug across the Prudhome property.

6. Dan's Monthly Report

Calendar: Wilkens reviewed his written calendar for July and the proposed upcoming events for August.

Project Team: A Project Team meeting is scheduled for August 14, 2018. Swenby sent out meeting announcements and revised the mailing list on July 26.

County Commissioner Meetings: Wilkens and Swenby met with Norman County Commissioners to inform the Commissioners of watershed activities.

Tax Levy: Polk County approved the three petitions in July. Chairman Joan Lee suggested better communication to the landowners, stating her phone was ringing off the hook, not necessarily with negativity, only questions. Swenby and Wilkens informed the Commissioners that not one phone call by concerned landowners was received at the district office and asked the commissioners to forward all questions to the district, so they can appropriately be answered. One of the commissioners asked Lee to forward names of concerned landowners onto Wilkens so that he can address the questions. Swenby and Wilkens told the commissioners that it was good that landowners were getting information, or at least enough information to ask questions, but felt it was unfortunate they sought the wrong entity to direct their questions. The commissioners were told that all information has been posted on the web-site regarding the district's most recent decision to withdraw from the Joint Powers Agreement. Swenby has written an article for the newspapers of the district regarding the decreased tax levy as per Commissioner Lee's suggestion. The managers suggested summarizing the article and ask the public to refer to the web-site or call for more information. Swenby will re-write the article and review with Chairman Christian for approval before a press release is submitted.

RRBC: The RRBC board meeting and tour is scheduled for September 5 and 6.

Drainage Workgroup: Wilkens attend the Drainage Workgroup meeting on July 12 in St. Paul. The next meeting is August 9 and Wilkens plans on attending. Wilkens reported a small dissention among one workgroup member regarding the proposal by Chuck Fritz to have an optional method of assessing for repairs based on contribution to sediment causing the need for repairs.

Brady Kroening Erosion: Swenby and Wilkens toured the dam site with severe erosion SE of Winger. Wilkens will confer with the EPSWCD regarding the history of the site and the possibility of a Clean Water Fund Grant.

Rules and Regulations: According to BWSR, the buffer rule needs to be added to our Rules and Regulations by November 2018. The managers were asked to review the Rules and Regulations of neighboring watershed district's and bring comments and suggestions to our next meeting so the district can move forward.

Ditch Inspections: Several violations were found on ROW out west. A few ROW markers need verification. Herrmann is putting together maps of ditch cleaning, spraying and ROW problems that need addressing.

MPCA: A **Motion** was made by Manager Vesledahl to terminate the MPCA storm water permit for Spruce Valley Construction on the USACE fish passage project, **Seconded** by Manager Hamre, **Carried**.

Ditch and Project Inspections: Wilkens toured project # 24 on July 31. Wilkens will contact Polk County to address corn stalks in ditches. Wilkens reported additional fill is needed in the bank of the SH on the tile outlet in the NW corner of section 19 of Scandia Township owned by CMGB farms. Wilkens discussed leveling spoil banks and ditch cleaning with Joe Miller on August 2. Miller is finishing up graveling township roads and expects to be able to start in a couple of weeks. Herrmann has prepared maps for ROW enforcement, signage, cleaning, and spraying. Leo Splonskowski is planning on starting spraying cattails in mid-August and will start on Sand Hill Ditch brush and trees soon.

Letter from RRWMB: The board reviewed a response from the RRWMB. The managers were given a copy of an article in the Twin Valley Times, regarding the dissention of the taxpayers in the Wild Rice Watershed District and the RRWMB office location. The board was asked to submit a letter to the RRWMB regarding a final decision clarifying if the Sand Hill River Watershed District is firm with their withdrawal, or if they would like to ask the RRWMB to disregard their withdrawal. Manager Hanson stated that his mind has not been changed. A **Motion** was made by Manager Hanson to send a letter confirming our March notice to leave the Joint Powers Agreement, **Seconded** by Manager Hamre, **Carried**. Swenby will draft a letter for board review and send it to the RRWMB.

Partnerships: The managers discussed our relations with partner agencies outside of the RRWMB. IWI, JPB, NWS, RRRRA, etc.

7. Other Business:

Public Relations: The managers reviewed possible public relations items. No new information was brought before the board.

Budget and Levy: The managers reviewed the proposed Admin, Insurance, Data and Acquisition, and three petitions. Swenby presented a copy of the past year and a half of expenses and last year's budget was presented. A **Motion** was made by Manager Hanson to schedule a budget hearing using the proposed budget for 8:30 AM, September 4, 2018, **Seconded** by Manager Bartz, **Carried**.

Gerald Paulson Comments: Paulson asked the managers to review page 4 in the minutes of July 2018. Paulson feels that the board has made a gigantic step backward. Paulson reviewed the past years progress regarding the flow from the Harstad bridge and moving east. Paulson does not

understand why this board would take steps backwards and wash their hands of responsibility of obstructions downstream of the structure.

Manager Hanson stated that the legal document states the obligations end at the structure. Paulson disagrees stating that court order states that the boundaries are from the Polk/Norman Line to the Section lines of 2 – 11 of the Township which is the Krogstad Bridge. Manager Hanson stated that the drop does not affect the drainage of the area. Paulson argued that he did not care about the drainage, he stated his concern was the stagnant water.

Herrmann stated that the structure is meant to maintain base flow, not to run the structure dry. Chairman Christian assured Paulson that the intent of the board is good. The managers agreed that the Townships need to partner in the area outside the jurisdiction of the projects.

Manager Hanson stated that according to Herrmann's engineering, there is plenty of fall beyond the dam structure. Paulson encouraged Manager Hanson to tour the area. There is 10' of fall from the Rindahl to the Harstad bridge.

Paulson stated that this spring the water on the downstream side of the structure was way down and it has slowly begun to rise. Manager Bartz inquired about springs in the area as an explanation for the gradual rise in water.

Manager Hanson confirmed that he understood the court order ended at the structure.

A **Motion** was made by Manager Hanson to amend last month's motion, stating the Sand Hill River Watershed's obligation ends at the Krogstad bridge, **Seconded** by Manager Hamre, **Carried**. The managers agreed with last month's conversations and their decision to review obstructions beyond the obligation of the court order on and as needed basis. Below the Krogstad bridge would be the obligation of the Township for beaver removal. Paulson was encouraged to converse with his township to be a part of the Beaver Bounty Program.

Building Upgrades: The managers discussed what direction to take moving forward. Main level bathrooms and handicapped accessibility entrance was discussed. Manager Hanson asked each manager to come back next month with a list of prioritized items that they feel the district office should have.

Administrator Position: The SHAC advises the board to advertise for the position and to keep in mind the best candidate first before they consider the cost. Manager Bartz did not disagree with that advice. A **Motion** was made by Manager Bartz to proceed considering with the SHAC suggestions, **Seconded** by Manager Vesledahl. Manager Hanson and Hamre opposed the vote. Chairman Christian broke the tie with a yay vote, **Carried**. The managers discussed the following three options:

1. The job description for the Administrator will remain the same job description as Wilkens currently removing the duties/committees he held with the RRWMB. The Administrative Assistant description will remain the same as the current position.
2. Merging the current Administrator job description and the Administrative Assistant. The new Administrative Assistant position would be estimated about 10 hours a week.

Swenby will create two different scenarios with four different job descriptions and present them for the next board meeting.

Audit: A **Motion** was made by Manager Vesledahl to approve the 2017 Audit, **Seconded** by Manager Hanson, **Carried**.

Larry Ricard: Larry Ricard was disputing a proposed assessment on his son's behalf for the Ditch # 80 improvement project, stating that the water on Section 31 in the SE quarter of Onstad Township drains south out of the proposed system. Wilkens encouraged Ricard to come to the meeting this afternoon. Wilkens will bring this discrepancy to the hearing this afternoon.

Larry Ricard asked that if be noted that he feels this project is too much money and he has never been in this much debt as this project would put him. Wilkens stated that there is a 15% contingency and that the estimates were estimated to be high. Ricard's concern will be noted in the record.

8. **Permits:** One permit was presented to the board. A **Motion** was made by Manager Bartz to approve the following permit, **Seconded** by Manager Hanson, **Carried**.

2018-14: Norman County – Norman County Township 146 – Replace existing centerline culverts

9. **Adjournment:** The next regular meeting will be held **Tuesday, September 4, 2018 at 8:00 AM**. The budget hearing will be at 8:30 AM. As there was no further business to come before the board, a **Motion** was made by Manager Bartz to adjourn the meeting at 11:49 PM, **Seconded** by Manager Hamre, **Carried**

April Swenby, Administrative Assistant

JJ Hamre, Secretary