



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: JUNE 4, 2019

1. ATTENDANCE:

Chairman Stuart Christian called the June 4, 2019 meeting to order at 8:00 AM at the District Office. Other managers present were Clayton Bartz, JJ Hamre, Dan Vesledahl and Roger Hanson. One staff member was present April Swenby – Administrator. Others in attendance include Zach Herrmann – Houston Engineering, Nicole Bernd, WPSWCD (arrival at 10:30 AM) and Lonnie Spokely – Landowner.

2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Hamre to approve the agenda, **Seconded** by Manager Vesledahl, **Carried**.

3. MINUTES:

A **Motion** was made by Manager Hanson to approve the minutes from the May 7, 2019 meeting, changing a spelling error, **Seconded** by Manager Hanson, **Carried**.

4. TREASURER'S/FINANCIAL REPORT:

April Swenby read the Treasurer's Report. A **Motion** was made by Manager Hanson to approve the Treasurer's Report for May, **Seconded** by Manager Vesledahl, **Carried**.

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

Anders Valley Publishing	59.80
Anderson, Bottrell, Sanden & Thompson	875.00
April J. Swenby	267.45
Berhow Sodding	4,383.75
City of Fertile	42.60
David Sundheim	80.00
Dean Kronschnabel	140.00
Fertile Building Center, Ltd.	8.80
First Community Credit Union	1,367.72
Garden Valley Telephone Company	1,245.91
Houston Engineering	18,395.90
Jason Benbo	1,800.00
Kaitlyn Fuglseth	203.00
Otter Tail Power Company	265.41
Sam's Club	43.42
Sarah Wise	55.00
The 13 Towns	88.20
Wild Rice Electric	130.88

TOTAL

29,452.84

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

5. ENGINEER'S REPORT

Sand Hill River Riffle Expansion: Spruce Valley has been awarded the bid and planned construction is starting late fall (August and September).

Kittleson Creek: Final plans were presented. Cost estimates were presented as follows:

- a. Polk County: \$ 178,027.00
- b. LSHOC: \$ 10,000.00
- c. Total: \$ 188,027.00

The funding for construction costs from Polk Co have been finalized. Final cost estimate has been provided to MN DNR for the LSOHC Grant. The permitting is complete. A **Motion** was made by Manager Vesledahl to advertise for bidding for a bid opening July 2 at 10 AM, **Seconded** by Manager Bartz, **Carried**.

Sand Hill Lake Outlet: Houston Engineering is working through the final design and permitting. There is concurrence with the MnDNR for option 1. Design specs were presented, highlighting the rock weir layout. A fall/winter 2019 construction is planned.

Targeted Watershed Demonstration Program: The district is moving forward with the permit application. Herrmann is hopeful for a late fall bidding.

Upper Sand Hill Detention: A project team meeting is scheduled for June and a high level of alternative review will be on the agenda. Herrmann asks for increased board input as the planning progresses to further alternative development. The board is open to a sub committee to increase engagement in the planning process. Herrmann will bring forth more information on the planning objectives and watershed problems at the July Board meeting. The Board will determine the best method of increased input at the July meeting.

Annual Ditch Inspections: Two-thirds of the district was toured and a report with recommendations is being developed.

Ditch 80: The contractor does not plan to start until late July. They have been reminded of the completion date in the fall.

Project # 27: A permit application will be submitted for WCA, however, it has been confirmed that WCA has no concerns. Before we move forward, Herrmann recommends written confirmation.

6. LONNIE SPOKELY WASH PLANT:

The Operating Plan for the Spokely wash plant was provided. A video from a spring tour showing water seepage underneath the boards was shown.

Herrmann referred to the Hydraulics portion of the operating plan instructions which stated the following language: "A half riser is proposed to be located in the upstream (south) side of the earthen embankment. Stop logs will be used to hold the water level to 862.0 to allow for settlement of the non-soluble particulates. The structure will discharge to a 36-inch CMP which conveys outflow

to the downstream side of the embankment. The earthen embankment will have a top elevation of 862.5, in order to provide sufficient overflow capacity to prevent water from spilling over the channel overbanks during large rainfall events.”

It was Herrmann’s opinion that the video showed from the spring tour did not show that the structure is performing as intended. To avoid any water flowing under the planks (and ultimately sediment), the managers advised an inspection of the planks at the cleanout. Lonnie Spokely was under the impression that water is intended to flow underneath; but after this clarification, will be more vigilant. Lonnie Spokely stated that the sediment will be cleaned tomorrow. Along with the sediment cleanout, the board asked that Lonnie Spokely also inspect, and clean out if necessary, the stoplog structure to ensure proper operation in the future.

Spokely confirmed that the boards go in around November when the potatoes start to be washed. Spokely would like a reminder each year the third week in October to remind him to put the boards in, before freeze up and ensure that there is nothing blocking the implementation of the boards. The sediment is to be cleaned out in the June. Swenby will send Spokely a reminder to clean out as well, as a courtesy. In return Spokely will let Swenby know when the boards are in and when it is cleaned. The board advised that if he cannot it cleaned by freeze up, the boards should stay in until the sediment has been cleaned.

Spokely agreed that they did not want to add dirt into the system.

If this continues to be a problem, the managers can review the operating plan with the aid of PCA.

7. ADMINISTRATOR REPORT:

Calendar and March Work Plan: Swenby highlighted her calendar for June.

MAWD Summer Tour: Roger Hanson will be attending. He is registered.

Garbage Utilities: The district in the past hasn’t obtained the service of garbage pick-up. Since January, the district has been storing garbage, with no place to dispose of it. Swenby has asked Stuhaug Sanitation to put a bin in the district parking lot for garbage. We will start with a monthly pick up of \$20 per month, and he will come on the last Friday of every month.

Finances: On May 21, 2019, Swenby met with the Polk County Commissioners who approved the three petitions for the tax levy year 2020 that the board approved last month.

Banner/Public Relations: Last month the managers asked for the return policy on the proposed 3-d model that is similar to the IWI’s modeling table, but on a smaller, more manageable scale - an **EnviroScape® Watershed/NPS education model**. It was confirmed that their return policy is 30 days and the package must be returned unused. A **Motion** was made by Manager Hanson to purchase the model, **Seconded** by Manager Hamre, **Carried**.

The pull up banner will also need to be ordered. There was no board feedback or changes on the banner presented.

DRAFT Travel Policy: Last month the board was presented a draft travel policy. A **Motion** was made by Manager to approve the proposed travel policy, **Seconded** by Manager Bartz, **Carried**.

Building project: The City Council has agreed to sell the land by the golf course. There is city water, but not sewer. Swenby contacted the Advisory Committee Chair Scott Tollefson to keep him updated of the boards progress towards handicapped accessibility. Tollefson did not think a meeting was necessary, as it was clear that Advisory Committee members were to do diligence by reading the monthly minutes of the board meetings. When the board has made a decision, Tollefson suggested a letter to the Advisory Committee.

Swenby met with two architects with two different proposals. Architect 1 charges an hourly fee for a floor plan – up to \$5,000 but will likely be less. After the initial floor plan is developed, a specification book would be developed, which provides specs for mechanical and electrical engineering, architecture, civil and structural engineering, interior design and construction administration. This firm also completes the bidding process and the advertising. The cost for architectural services could be up to \$40,000, with the initial floor plan fees credited back.

Architect 2 recommended a simplified approach for architectural services and offered an hourly rate of \$50 per hour, with an estimate of about \$15,000. His services include architecture design, structural engineering, aid with interior design if needed, and performance specs for mechanical, HVAC and electrical, which provide allowances for each area offering flexibility for the tastes of the district. He stated that HVAC, plumbing and electrical do not require an engineer due to the size of the project and can be based on MN State code. Based on the location for building new, he said it would be up to the district for civil engineering services and that fee would be additional. He would provide aid during the bidding process for bid review to ensure the contractors have provided complete bids and the district is comparing apples for apples. This architect would also aid with contractor payment. His option meets the requirements of a registered architect.

It was noted by the architects to have the final plans drafted by August and allow one month for a bidding process, if a fall construction is planned.

Additionally, a landowner with a 40 x 100 with (18' sidewalls) building with many opportunities for rental and growth for the future has approached the district. It is in a prime location, off Hwy 32 and very visible. There is opportunity for rental income. The inside would need steel removed and sheet rock to make it "office ready". The building is handicapped accessible, has one bathroom, a break room, and a 24 x 24 meeting room. The meeting room is heated with a heat pump and electric floor heat. It is cooled with a heat pump. Currently, the only office is upstairs, but the building would provide opportunity for main floor offices. There is ample storage and ample parking.

After reviewing the preliminary costs for all three scenarios, it was noted that all three could cost about the same amount. It was deemed to pursue the option of building new and that the lot by the Golf Course is the best location to pursue towards purchasing.

The managers would like to invite the architect who provided a more simplified approach to the July board meeting.

LiDAR Training: Swenby attended LiDAR training on May 16 in Fargo at the IWI.

FDRWG Meeting: Swenby attended the FDRWG meeting on May 15 in Thief River Falls. Meeting packets were provided. Swenby contacted Rodger Hemphill to begin the discussion about the SHRWD being included in the committees. In the past, we were represented by the RRWMB. Swenby has asked that the SHRWD be included/invited to partake in all of the strategic planning committee meetings, etc. that will be taking place in the future.

Audit: The annual audit was conducted May 22 and 23 by Brady Martz. Swenby will be working with Brady Martz to recategorize the district financial audit to provide a more transparent report.

Service Learning Student: Hallie Strem has expressed interest in some summer hours to continue her service to the district. Swenby has her doing scanning for Accounts Payable, mass mailings, and would like to start scanning for file maintenance. Some weeks it could be about 8 hours a week, and other weeks, there could be nothing. Swenby would like to allow her to continue her service on an as needed basis throughout the summer months, so in the falls she can continue with the Service Learning Program through the school. Kaitlyn Fuglseth will no longer be scanning for the district. A **Motion** by Manager Bartz to continue Strem's employment throughout the summer months on an as needed basis, **Seconded** by Manager Hamre, **Carried**.

Meeting Time: The managers discussed the meeting time and moving the regular monthly meeting start time to 7 AM. No decision was made.

PROJECT/PROGRAM WORK:

Ditch Inspections: A ditch inspection summary report highlighting observations was provided. A technical report will be provided next month. A major issue for immediate discussion is cornstalks.

Project # 17 noted field side sloughing: It was decided that the district will fix sloughing within the easement and the landowner will be responsible for the sloughing beyond the easement.

Manager Hanson reminded staff that additional ROW needs to be purchased about 3 miles north of Beltrami and that this should be included as a priority.

Funds were discussed at length for each of the systems that will likely need maintenance this year.

Rules and Regulations: A landowner called for clarification on the districts sub surface tile drainage rules in Section 6 which states that all subsurface tile drainage systems must include controls sufficient to prevent flows by holding the water table to within one foot of the ground surface over at least 80 percent of the tiled area. The landowner felt this was unattainable, due to the slope in many fields, and multiple controls would need to be in place to meet the requirement. As it stands, Swenby has told him that the board will revisit this line item to provide more clarification for its intent. The attorney has been contacted and a response hasn't been received.

Seeding: Swenby met with Dale Berhow to verify seeding locations on Project 5 ROW. Berhow also confirmed that the spoil from last year's ditch cleanings have all been seeded according to the maps provided to him. Project 5 has been seeded, but there are a few spots that were too wet and may not vegetate.

Beaver Trapping: Beaver trapping reports are as follows:

Carlson Coulee: The trappers are nearly complete in this area. They have reported a dam and will send a pin of the exact location. This dam will need to be blown.

Bear Park: A landowner in Section 18 of Bejou Township (Bear Park jurisdiction) would like to help in the beaver control area. He'd like to add more traps to his section of land and be reimbursed for trapped beaver by the district. While we have a designated beaver trapper in the area, he would still like to set traps in addition to the trappers. To be vigilant at controlling the beaver population, Swenby spoke with Benbo who was open to working with the landowner in that area. Swenby also spoke to the MnDNR regarding this who confirmed there is a statute that allows landowners to trap on their own land out of season, if they are troublesome.

The upper stretch of the area has been trapped and one dam was located near Paulson's in Section 6. Miller has been contacted to remove the dam, if he is able. The next stretch in Section 18 and a dam has also been located. They are still trapping, but when they are done they will let Miller know to remove that dam. They have set an additional 60 traps downstream starting at Section 13. They will continue to monitor this stretch for activity.

Project # 5: The beaver have been trapped. Swenby hired JC&J Trucking to remove the dam. Only two beaver were trapped. The trappers thought that they beaver came from the slough nearby.

LID: Beaver activity was reported by a LID member. The beaver trappers were authorized to add traps near Jack Doyle's property to begin trapping. They were notified May 21, 2019. The trappers verified that there was no activity and no beaver caught in this area.

Nielsville Ring Dike: The Nielsville City Council met May 6 and have asked Swenby to meet with them. Swenby is planning on attending the August City Council meeting.

Ditch Mowing: An ad for ditch mowing and spraying was placed in the Valley Shopper and in the Fertile Journal. All landowners adjacent to our legal ditch systems were sent a policy, a letter explaining the new policy and an application. Seven mowing permits were received. Houston Engineering will develop ditch mowing maps and spraying maps based off of our ditch inspections in June/July.

One contractor has submitted a sealed bid for mowing and spraying. Advertising was in the Shopper and the Fertile Journal. A **Motion** was made by Manager Vesledahl to extend the deadline and re-advertise, holding the submitted sealed proposal until July, **Seconded** by Manager Bartz, **Seconded**. Swenby will continue advertising in the Valley Shopper and The Fertile Journal.

LID Meeting: Swenby attended the LID meeting on May 20 Erskine. She was able to introduce herself and give an update on the easements and the gauge.

Union Lake Pumping Easements:

Anderson Trust: Greg Holmvik has accepted the 50' easement for \$2500 an acre. Easement paperwork has been sent to the attorney.

Bryan Boll: WCA has confirmed that there are no wetlands present and it was a man made system. The agreement made was that the district would pay for closing the ditch system in exchange for the easement, after Bryan Boll purchases the property. Herrmann is developing rough cost estimates. It has been confirmed that the purchaser of the land would like to move forward with the sale and the easement.

Steve Ness: The attorney is drafting up the proper documents.

Jack Doyle: Doyle would like to continue to think about the cost he will charge for a 5 year temporary easement. Doyle has requested \$300 per year for the next five years as payment for the temporary easement (total of \$1,500). The LID agreed to this amount as Doyle was not reimbursed for the first 15 years of the easement. Houston Engineering has been authorized to move forward with the property descriptions for the attorney.

Vesledahl Wetland Mitigation: Swenby has spoken with Mark Johnson regarding the district's position on the land transfer. Johnson was going to converse with BWSR and report back to Swenby.

There is a permit in the process for ditch cleaning in the Vesledahl Wetland Mitigation area. Technically, the rules and regulations do not require a watershed permit for cleaning. The rules state that the landowner must be the applicant for a ditch cleaning, and MnDOT is the landowner. MnDOT has asked for watershed approval of the cleaning.

A **Motion** was made by Manager Bartz to support the ditch cleaning in the Vesledahl Wetland Mitigation area, and encouraged cleaning solutions for the landowners, **Seconded** by Manager Hanson, **Carried**. Swenby will contact MnDOT to let them know of the district's approval.

Verdell Olson Dam: The dam safety permit has been applied and paid for.

CWF/Riffles: Swenby has reached out to Nicole Bernd and Bret Arne for clarification if leftover CWF's dollars can be used to fix the erosion on the SH Ditch channel. Henry Van Offelen has toured the site. It was determined that it isn't an issue to use grant funds to add more rock to the side slopes. Berndt is checking on match requirements, and if there is not enough match the district

is responsible for the 25% match. A technical assessment is required. Time is running out for a signed contract by both boards, for work to be done and paid for by the end of June. .

Permit Database: A demo was provided to the district and Swenby has been working with them to work out the “quirks” before it becomes live. Digital signatures for approved permits are needed from the Chairman and the Secretary. When staff chooses approved in the database, a signed permit will be available for the applicant to download.

Project # 24: We have initiated the process using Hauff’s advice. He is reviewing a petition template to see if it meets MN requirements. It was confirmed that the district may charge the same cost per acre that was assessed for the establishment of Project 24, and also have the ability to assess future maintenance.

Looking ahead, during ditch inspections last year it was noted that corn stalks were inundating portions of the legal ditch system of Project # 24. A letter to the landowner responsible for the obstructions was approved last month. The district is waiting on the attorney’s response about enforcement before the letter is sent.

Spring Flooding – Ditch Maintenance: Swenby spoke with Al Keen for clarification on the 103E.701 Repairs statute. Al Keen suggested asking a drainage attorney and agreed the language isn’t clear in 103E.701 or 103E.525.

Refresher: ***Minnesota Statute Regarding Bridges and Culverts: Subd. 4.Bridges and culverts. (103E.701 REPAIRS)***

(a) Highway bridges and culverts constructed on a drainage system established on or after March 25, 1947, must be maintained by the road authority charged with the duty of maintenance under section [103E.525](#).

Polk County is in an initial damage assessment. Keen also stated that is it feasible that the district will not be eligible for FEMA Public Assistance funds because it is only Public entities that are eligible. Legal drainage systems are not usually eligible because they are privately owned, managed by a public entity. Keen suggested that perhaps because of the district ineligibility, it is best that the road authorities maintain responsibility, which might also be a purpose for the statute.

The most recent numbers Swenby has seen indicate that the PDA for Polk County identified \$373,249 of damages (current, subject to change). The 2019 federal damage indicator / threshold for Polk County is \$119,448. Therefore, it appears Polk County will be eligible for FEMA Public Assistance, if there is a federal declaration including Polk County. It is unknown if Governor Walz has requested a presidential declaration yet, until the FEMA PDA numbers are finalized.

Because Polk County has met the thresholds for damage declarations, NRCS is authorized for the Emergency Watershed Protection Program (EWP). This is a program that allows NRCS to address health and safety hazards that result from disaster events such as bridge undercutting, severe bank cutting that may affect a house or living quarters, and other items. Managers are asked to report any thing in their area that may qualify for a health and safety hazard. An attachment that explains the program is provided.

Project # 17: During the ditch inspections, Herrmann and Swenby toured the township/projects washouts PC # 41 (Just west of Highway 9) to look and see if side culverts are filled with gravel. One was filled with gravel. Side slopes were gravel, not dirt and seed, and were already beginning with minimal erosion. It is possible that the Sand Hill may not be FEMA eligible. The township will pay for this, with the understanding that if FEMA funds are unavailable the district will reimburse. Swenby has contacted the Beltrami Fire Department who will try to blast from the ditch side of the culvert to push the gravel out.

Hammond Township repaired the washouts on Section 19 and Section 20 and 29 along Project # 17. Herrmann is researching permanent solutions to this to avoid washouts like this in the

future.

Project # 20: Houston Engineering staked the grade for the washout out on Liberty Township between Section 8 and 17, which would be project # 20. The township has replaced the culvert.

Sand Hill Ditch: Swenby and Herrmann continue to have discussion with the US Army Corp of Engineers regarding the impacts of the culverts downstream of where the first drop structure was removed. They are still in the review process to make a determination of the impacts on the culverts.

Bear Park – spillway maintenance: The township confirmed that they used 15 loads of gravel (\$3,900) to fix what was washed away at the spillway. The township has paid and led this fix, as the district may not be FEMA eligible. Houston Engineering should review the spillway to ensure that the grade was reset back to the original design. Swenby did not believe that this project falls under MN Statute 103E.525: The road grade is a part of the project in this area, because the emergency spillway is a part of the project.

A manager discussion is advised for future spillway repairs and whose financial responsibility the spillway is. The managers agreed that should repairs be needed with the spillway it is a part of the project, and does not fall under Mn Statute 103E.525.

SH Ditch: The township has also expressed concern about the dead trees that were sprayed last year. The township suggests that it is likely that the dead trees will just fall into the river, which could cause culvert plugging and issues for them down stream. The managers will consider solutions in the future for trees that were sprayed.

Rock Riffles & Fish Passage: CWF and OHF funded projects on the Sand Hill River were selected for assessment this year in the Legacy Fund Restoration Evaluation Program. This process is an opportunity to discuss the project and contribute to continuous improvement of restoration practice in Minnesota by highlighting best practices, challenges and lessons learned from the field. A tour is schedule for 11 AM today.

Watershed Boundary – Onstad Township: Swenby has received from Brad Knudson and his supervisor the information requested including the complete set of plans for the area in Onstad Township regarding our boundary and the ditch plug. She has also asked for a copy of a watershed permit that authorized the installation of the culvert, and it appears that a watershed permit was not applied for from our district or the RLWD, but has not been confirmed. This information that was provided has been evaluated. Swenby and Herrmann have a formal written request to MnDOT to review the plans and the reason for the culvert installation. A copy of the letter has been provided.

Other Agency Reports: Legislative updates, Drainage Work Group legislative summary, and a thank you for the Envirothon sponsorship were made available for review.

8. **MANAGER AND PUBLIC COMMENT:**

There were no public comments brought before the board.

9. **PERMITS:**

Five permits were presented to the board. A **Motion** was made by Manager Hanson to approve the following permits, **Seconded** by Manager Vesledahl, **Carried**.

2019-10: Randy Spokely, Hubbard Township – Section 28 – Install Culvert

2019-11: PC Drainage Dept., Sletten Township – Section 18 – Install Culvert

- 2019-12: City of Fertile, Garfield Township – Section 19 – Install Crossing
- 2019-13: Francis Spokely Jr, Hubbard Township – Section 18 – Install culvert and Tile
- 2019-14: Polk County Highway Dept, Rosebud Township – Section 13 – Install Culvert

Permit 2015-29: A June 15, 2019 deadline is set for the plug installation by the landowner. Swenby will inspect the area after June 15, 2019, before the next board meeting to make a final check regarding the implementation of the ditch plug.

A **Motion** was made by Manager Vesledahl to approve the following baling permits, **Seconded** by Manager Bartz, **Carried**.

- Gilmur & Scott Eia – **SH Ditch** – Section 14 & 15
- Raymond and Nancy Christian Trust – **Project #20** – Section 5
- Rodney Wegge – **Project #24** – Section 20 & 21
- Karen Sundahl – **Project # 12** – Section 14
- Ben Albaugh – **Project # 24** – Section 29, 36 and 21
- Ben Albaugh – **Project # 24** – Section 26
- Ben Albaugh – **Project # 24** – Section 34, 17, 20, and 29

The managers agreed to continue to accept baling/mowing permits until we are ready to present maps to the mowing/spraying contractor.

10. **ADJOURNMENT:**

The next regular meeting will be held Tuesday, July 2, 2019 at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Vesledahl to adjourn the meeting at 11:07 AM, **Seconded** by Manager Hanson, **Carried**.

April Swenby, Administrator

JJ Hamre, Secretary