



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: DECEMBER 7, 2020

1. ATTENDANCE:

Chairman Stuart Christian called the December 7, 2020 meeting to order at 8:30 AM at the District Office. Other managers attending were Dan Vesledahl, Clayton Bartz, Craig Engelstad, and JJ Hamre. One staff member was present April Swenby – Administrator. Others in attendance were Zach Herrmann – Houston Engineering, via telephone.

2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Hamre to approve the agenda, **Seconded** by Manager Bartz. **The Motion was carried.**

3. MINUTES:

A **Motion** was made by Manager Hamre to approve the minutes from the November 4, 2020, **Seconded** by Manager Engelstad. **The Motion was carried.**

4. FINANCIAL REPORT:

Swenby read the Treasurer's Report. A **Motion** was made by Manager Vesledahl to approve the Treasurer's Report for November, **Seconded** by Manager Engelstad. **The Motion was carried**

When reviewing the balances for the year end, Swenby proposed journal entries to zero out the following accounts: # 16 Kurass Lake, # 02 Verdell Olson Dam, Web-site DB and Mapping, Beaver Bounty Program, Targeted Watershed Grant, Technical Engineering and Legal, Agency Support and Monitoring. These are projects/categories that are managed on an annual basis and it would be helpful if the reports reflected the accumulative total for each calendar year, verses the accumulative total from it's origination. There were no manager disagreements to the proposed journal entries.

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

A & S, Llc.	2,440.00
Al and Laura's Foods	18.64
Anders Valley Publishing	64.40
Anderson, Bottrell, Sanden & Thompson	3,407.88
April J. Swenby	640.50
Berhow Sodding	4,350.00
City of Fertile	105.52
Diligent	1,900.00
EcoLab	53.57
Fertile Hardware Hank	23.97
First Community Credit Union	528.79
Garden Township	650.00

Garden Valley Telephone Company	248.54
Houston Engineering	20,473.87
Keith P Chisholm Farms L.P.	394.50
Liberty Township	390.00
Marco	183.12
Office Supplies Plus	159.74
Otter Tail Power Company	302.50
Polk County Hwy. Department	10,975.33
Rosebud Township	845.00
Sarah Wise	48.00
Stuart Christian (Vendor)	173.15
The 13 Towns	76.80
TOTAL	<u>48,453.82</u>

Swenby noted that the following checks will be reissued, as they have not been cashed.

Keith P Chisholm Farms, LLP - Check # 13662 - \$394.50
 April J. Swenby – Check # 14011 - \$640.50
 Stuart Christian – Check # 13707 - \$103.89
 Stuart Christian – Check # 13591 - \$69.26

A **Motion** was made by Manager Engelstad to approve and pay the bills with a total of \$48,453.82, **Seconded** by Vesledahl. **The Motion was carried.**

5. ENGINEER’S REPORT:

Township Road Overtopping – Section 28/29, Russia (Project # 17): Houston Engineering and district staff plan to coordinate with the adjacent landowners for potential solutions before presenting to the township.

Union Lake Pumping: The district tasked Houston Engineering in November with a survey near Jack Doyle’s channel cleanout. A field survey was completed and a grade line established. Swenby sent that information to East Polk SWCD and it was approved from WCA. JC & J Trucking was contacted to do the clean out. He was busy but said he would try. Johnson was unable to complete the task in the required parameters.

Ditch 80: The district currently withheld Liquidated Damages through December 31, 2020 totaling \$61,000. Actual delay costs are \$62,930.44 and are as follows:

1. Added engineering fees:.....\$ 27,497.04
2. Added legal fees:.....\$ 1,292.50
3. Additional easement payment:.....\$ 34,140.90

The managers again reviewed the engineers estimate and the actual costs that were accrued in liquidated damages as per the contract. It was noted that the next highest bidder was \$80,000-\$90,000 higher. The managers discussed about the best interest of the taxpayer and whose responsibility the extra costs are. Manager Vesledahl would like for the district records, actual costs relating to invoices to attach to the actual costs and highlight the district’s actual costs in written correspondence to the contractor.

Sand Hill Ditch/Texas Crossing: The attorney has developed a procedure for repairing the Texas Crossing and has named the fix a repair beyond “routine maintenance” which would require a hearing. Houston Engineering will develop a plan for presentation at a hearing.

Rock Riffles: The district continues to withhold retainage (5%; \$ 14,309.05). Herrmann anticipates releasing the final payment in January.

Poissant Bridge Removal – Lessard-Sams Outdoor Heritage Council Funding: Swenby will be presenting an extension request to the LSOHC on December 8, 2020. We have developed a revised proposed approach and is as follows:

- i. PHASE 1: Remove and relocate bridge. To be completed winter of 2020/2021.
- ii. PHASE 2: Install rock riprap. To be completed fall 2021 (pending extension and available funds). Bidding the entire project for 2020 construction has some liability on the board given the tight grant timeline. It is recommended to follow the revised approach to minimize risk.

Project Team: A narrowed focus is directed towards Beltrami. District staff and Houston Engineering plan to meet with the City of Beltrami this upcoming winter.

6. BID OPENING – CULVERT SALES

Two sealed bids were received and are as follows:

Dan Wilkens: \$826.00

Patty Jo Karels: \$57.07

A **Motion** was made by Manager Vesledahl to accept the high bid of \$826 to Dan Wilkens, **Seconded** by Manager Bartz, **Carried**. Manager Engelstad stated that he has offered to help Wilkens remove the culverts by the December 31, 2020 deadline.

7. ADMINISTRATOR REPORT:

MAWD: The 2020 Virtual MAWD Annual Conference was held December 1 -4. Swenby attended all the sessions she could and will continue to watch the videos for the ones she missed. She plans on re-watching the drainage law videos.

SHAC Meeting: The Advisory Committee met November 19 via Zoom. Meeting minutes were provided. Don Andringa was appointed by Polk County to serve for Manager Vesledahl. Andringa will be representing the Climax area.

MAWA: Swenby attended the Minnesota Association of Watershed District Administrator’s meeting in the afternoon of November 19, 2020. There were 28 attendees. Swenby provided the agenda for the items that were discussed. She will be serving on the Finance and the Award Committee for Region 1. There will be some travel time associated with the Finance committee. The other committee should be minimal involvement.

Christmas Party: Given the COVID outbreak and shut down of restaurants by the Governor, the Christmas party was placed on hold until January.

Union Lake/Sarah Pumping: Swenby reached out to Collin Peterson’s office for records regarding the sand bag structure on the US Fish and Wild Life land and has asked for assistance in obtaining a permanent structure. There is no new information regarding the pipe vs. open ditch discussions. The district is awaiting confirmation from wetlands to determine if moving the ditch is feasible and doable. Herrmann and Swenby are planning a conference call/meeting with Brian Boll in December.

Bear Park: Buckholz Blasting inspected the dams the last weekend in November. One was removed by an excavator (the district did not hire that) and the other can be blasted, but Buckholz prefers to wait until there is ice making it easier to get to. The trappers are trapping the upper noted dams.

Project # 20: Swenby has reached out to Paul Engelstad regarding the progress but has not heard back.

Ditch 9: Side inlets were delivered. Mark Stortroen will be installing. The spoil was leveled from the cleaning on Ditch 9.

Ditch Mowing: Mark Stortroen cleaned the areas of plugging noted by Mike Larson when he was mowing. The mowing effort will continue as long as conditions allow.

Mickey Scott Bridge: Joe Miller completed all of the rock work at the Mickey Scott Bridge. Berhow laid an erosion blanket down for seeding, as per the MnDNR request. The Township took care of the concrete in between the culverts.

Administrative Assistant: Due to quarantine, interviews were not held. Swenby is still planning for interviews in December. Tentative interviews are scheduled.

Ditch 9 and 119 Buffer Acquisition: The attorney has verified that we can use the Incremental Buffer Law first to purchase the required buffer for Ditch 9 and 119. There is enough money in the fund. Minn. Stat. 103E.021, subd. 6 indicates that this may be done as a repair. Hauff gave us a memo that lays out how this is done, a copy of which is attached. He pointed out that it is that we cannot use this provision if we are going to do any improvement beyond the buffer strip acquisition. These systems involved some inquiries related issues regarding improvement and consolidation as well. If the district does it in steps, with the buffer strips first, Hauff thinks we can utilize those funds for the buffer purchase. Herrmann and Swenby plan to tackle this beginning in January/February.

Bear Park. The attorney researched public records to see if there was a final court order. The attorney found that the caption appeared to indicate that there was a proceeding in front of a judge, he has been unable to find a document proving that there was. Instead, the proceeding was a normal matter before the District. As such, there is nothing more specific than the report which indicates that the project was approved conditioned on the district maintaining things as set forth in the report. The attorney has verified that the district doesn't have jurisdiction over land or water beyond what it identified. He will draft up a formal letter and recommendation to the board for moving forward with policy.

Building Project: Last month Swenby was tasked with researching the requirement for our building project, namely related to engineers/architects estimates. The district attorney did not think that Minn. Stat. 103E.505, which relates to projects, applies to the district for the building project. He did agree that we are subject to the general competitive bidding process that applies to all governmental subdivisions in Minnesota. Swenby provided the statutes that set out the requirements.

SH Ditch/Snowmobile Trail: There has been some inquiries from the Snowmobile Club for extending the snowmobile trail North along the Kittleson (where it enters the Sand Hill Ditch). Swenby reviewed old records and found that the district required a specific permit/paperwork to allow for this. Swenby feels there is benefit for having a mowed access trail along this stretch. Swenby would expect there would be some legal fees associated with this if the board is okay with granting permissions. The managers were supportive of the trail continuing along the Kittleson, if the Club wishes to pursue this option, pending landowner permissions.

Vesledahl Wetland: The managers reviewed the wetland. Swenby offered as a suggestion of a letter urging lawmakers to take action towards easements and try to obtain landowner signatures.

8. ACTION ITEMS.

Cooperative Purchasing Venture: The district has purchased a few culverts this year for maintenance on our systems. Swenby has been working with True North Steel to be in the same category for purchasing costs as the County and to do that, the district needs to be a member of the CPV (Cooperative Purchasing Venture). Swenby has completed a Cooperative Purchasing Venture Application with the Mn Department of Administration. As a member, the district can purchase goods and services under contracts established by the State of Minnesota. The contract was provide to the managers for approval. A **Motion** was made by Manager Vesledahl to approve and sign the CPV agreement, **Seconded** by Engelstad. **The Motion was carried.** Manager Engelstad asked if the district would be able to purchase items and then offer them to landowners at the discounted rate. Swenby indicated that it is apart of the contract that resales are prohibited.

Ditch 80: A **Motion** was made by Manager Bartz to continue to move forward with charging \$61,000 in liquidated damages, providing a statement of proof for actual expenses, **Seconded** by Manager Hamre, **Carried**

Employee Evaluations: Swenby asked for feedback for areas of improvement for herself and asked for areas that she can serve better. The managers talked about the knowledge that Swenby has and has yet to have and the technology gains the district has made. The managers provided positive feedback for Swenby and her performance and encouraged her to stay active with MAWD and outside agencies. Employee salaries were set last year and are set until the end of 2022. Employee Health Insurance/benefits have increased by over \$100 per month starting January 1. It increased \$100 per month last year as well. There has not been an evaluation or an increase in employee benefits since 2018. The district current benefit package is \$1000 per month, and was set based on other watershed district's benefit packages. Employee health insurance/benefits is projected to be about \$1500 per month. Manager Vesledahl said that Garden Valley pays a percentage of the premium due.

Swenby asked if there is room for an increase in the benefit package to offset some of the increase in premiums over the past couple of years. Manager Engelstad asked about the history of the amount that was decided upon and why that amount was the decision. Swenby explained that at the time, a comparison of what other watershed districts do was used. In the past that is how managers have decided on an amount for salaries and benefits, by comparing other watersheds and likeminded entities, like the County.

A **Motion** was made by Manager Vesledahl to increase the benefit package to \$100 beginning January 2021 and effective until the next salary adjustment in December of 2022 (tying the wages and benefits into one negotiation process), **Seconded** by Manager Hamre, **Carried.**

Manager Vesledahl suggested that the benefits could be gaged on a percentage scale and the personnel manual could be adjusted to reflect a new policy. It was calculated that at the time Swenby was hired it is estimated that the district paid 77% of the healthcare costs/benefit costs for the MN PEIP HSA option. Swenby noted that the cost increase is a package that includes health, life and dental and the addons are her choice. Manager Vesledahl suggested a review of the policy to enable managers of having the option to explore percentage increase annually. This process of personnel manual review could start in the fall 2022 with the personnel committee.

9. OTHER BUSINESS

There was no other business brought before the board.

10. PERMITS:

Three permits were presented to the board:

2020-57: Scott Tollefson, Scandia Twp. Section 16. Lower Culverts/Clean Ditch

2020-58: Lorraine Pederson, Onstad Twp. Section 26. Lower existing culvert and clean ditch

2020-59: Scott Balstad, Rosebud Twp. Section 21. Clean Existing road ditch

A **Motion** was made by Manager Bartz to approve the above listed permits, **Seconded** by Manager Vesledahl. **The Motion was carried.** Manager Engelstad Abstained.

11. ADJOURNMENT:

The next regular meeting will be held Wednesday, January 5, 2020 at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Bartz to adjourn the meeting at 11:05 AM, **Seconded** by Manager Vesledahl. **The Motion was carried.**

April Swenby, Administrator

JJ Hamre, Secretary