



TITLE: REGULAR MONTHLY BOARD
MEETING MINUTES

DATE: JULY 7, 2020

1. ATTENDANCE:

Chairman Stuart Christian called the July 7, 2020 meeting to order at 8:00 AM at the District Office. Due. Other managers attending were Clayton Bartz, Dan Vesledahl, Craig Engelstad, and JJ Hamre. One staff member was present April Swenby – Administrator. Others in attendance Dean Johnson – Landowner, Mike Gunderson – Landowner, Gerald Paulson - Landowner, and Zach Herrmann – Houston Engineering.

2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Hamre to approve the agenda, adding Earl Pederson (Project # 1 at 8:50), Mike Gunderson (Project # 1 at 9:00 AM) and Gerald Paulson (Project # 1 at 9:15) to the agenda, **Seconded** by Manager Bartz. **The Motion was carried.**

3. MINUTES:

A **Motion** was made by Manager Engelstad to approve the minutes from the June 10, 2020 correcting a typo on page 9, **Seconded** by Manager Vesledahl. **The Motion was carried.**

4. FINANCIAL REPORT:

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

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

Anderson, Bottrell, Sanden & Thompson	2,337.50
April J. Swenby	193.33
Brady & Martz	2,700.00
Brandner Printing	301.12
Diligent	1,900.00
First Community Credit Union	385.98
Garden Valley Telephone Company	197.65
Houston Engineering	65,360.12
Isaac Ness	450.00
Jason Benbo	735.00
Mahnomen County Recorder	10.00
Marco	967.30
Otter Tail Power Company	203.27
Wild Rice Electric	2,805.84
TOTAL	<u>78,547.11</u>

Additional bills not included on the bills to be paid report include:

Sarah Wise	48.00
Anders Valley Publishing	55.74
Opdahl's Donuts	10.00
City of Fertile	51.21
Fertile Hardware Hank	38.54
TOTAL	<u><u>203.49</u></u>

A **Motion** was made by Manager Vesledahl to approve and pay the bills with a total of \$78,750.60 **Seconded** by Bartz. **The Motion was carried.**

5. EARL PEDERSON – PROJECT # 1 (8:50):

Earl Pederson did not attend.

6. MIKE GUNDERSON – PROJECT # 1 (9:00):

Mike Gunderson requested an audience before the board. Gunderson farms along the SH River on Mahnommen County. His farm is within the easement area of the Bear Park project. Gunderson recollects the problems with that area since the structure has been put in, commenting that stream habitat has been reduced, water hasn't flowed and water backs up on land. He stated that the water stays on the land longer than what was told to landowners from the origination of the project. Gunderson thinks that the problems may be downstream of the structure.

Herrmann displayed a flow line channel highlighted the elevations from the structure downstream.

The managers commented about rain events upstream that all drain to this location. Manager Bartz has commented about the collapsed tile in his area that will contribute water to the Bear Park area, and also discussed the full ditches in his area due to the massive amounts of rain events. Gunderson agreed that there have been rain events that drain to this area.

Gunderson reiterated that he feels there is a problem downstream.

7. GERALD PAULSON – PROJECT # 1 (9:15):

Gerald Paulson requested an audience before the board. Paulson stated that the managers that they have a statutory obligation to ensure that the project is functioning as designed. Paulson reported that there is minimal flow from the structure downstream. Paulson assumes there is obstructions downstream of the Krogstad Bridge. Paulson recollects dams being removed all the way to the Harstad Bridge a few years ago and resulted in the river having good flow when they were removed. Paulson stated that the water should be well below the weir for this time of year, and insisted that the project is not operating to hold water as designed and does not provide the amount of flood control that it was intended to provide. Paulson feels that the rainfall received is incidental.

Paulson stated that it has been at this level for two weeks. He drives nightly and monitors the structure and the river. He commented that it appeared to be in good condition and functioning before the rainfall in June, and noticed a changed when rain was had at the beginning of the season, noting that the water did not go down.

Paulson stated that Swenby is "hamstrung" to make sure that this project is working by the court order jurisdiction. Paulson is asking the board to consider passing a resolution to empower the

Administrator to investigate these situations past the Krogstad Bridge to go as far west as the Harstad Bridge.

Chairman Christian thanked both Paulson and Guderson for their information and informed them that the board will be taking a look into their comments.

8. DEAN JOHNSON – PROJECT # 3 (9:30):

Dean Johnson: Dean Johnson would like to purchase the property from the district that was given by Berhow's adjacent to the Liberty Onstad Ditch (Section 1 of Liberty Twp.). He'd like to square his property up.

Johnson has also expressed interest to repair the field crossing along Project 3 to access his property and had some history with this area. He suggested that the field crossings adjacent to his property be consolidated and combined to provide one larger crossing between the two crossings he currently has over Project 3. He indicated that the current crossings are narrow, and can be difficult to access with larger equipment.

Herrmann talked about the lack of aprons on the ditch system, and entertained a future discussion about adding aprons to the culverts along this system.

Johnson has asked that work be done in this area, be offered to him as a landowner and adjacent property owner.

9. ENGINEER'S REPORT:

Project # 20: As discussed last month, it was recommended to the township to raise the road approximately 1' to match the LiDAR data. It was determined that the district did some cleaning a couple of years ago and the spoil was not spread.

Project # 32 – Ditch 80: Davidson has requested declaration of substantial completion. Houston Engineering is reviewing and developing a punch list set of items. The liquidated damages from December 31, 2019 withheld through today are about \$61,000. The contract allows for an additional \$220,000 to be withheld for liquidated damages, however our contract does allow for exceptions for unusual weather, and change orders or overrun on quantity as compared to what was bid. The board also discussed the value with the work that was completed and the benefits that were provided to the landowners this spring. Herrmann feels that the \$61,000 that was already withheld is justifiable given the actual expenses that were had due to the delay (legal and engineering). Swenby added that the landowners she has talked to have all been favorable towards being fair and withholding an amount for liquidated damages that correlates to actual expenses. A couple of options were discussed with the board. As a reminder the contractor started November 4, and the completion date in the contract was November 1. The managers agreed to pay for the work that has been completed, less the retainage and seeding, and continue to hold the \$61,000. The pay estimate would be a payment of \$204,729.75.

A **Motion** was made by Manager Vesledahl to release partial payment to Davidson in the amount of \$204,729.75 **Seconded** by Bartz. **The Motion was carried.**

Kittleson Creek Outlet: There was a sink hole issue in the Township road. It appeared that a lift hole plug in the box culvert was displaced when the road was opened up and re-compacted. Material loss is apparent through the lift hole. There was concern that the material loss has compromised the compaction and moisture of the road embankment. The contractor will plug the lift holes, excavate the road embankment and rebuild back with good compaction. Herrmann expects the contractor to begin this week. Manager Engelstad asked about another sink hole and presented pictures to Herrmann. Herrmann was going to review the area to ensure that all

sink holes are filled and evaluated.

Herrmann was optimistic that bridge funds would entirely cover the project.

Sand Hill Lake Outlet: The work has been completed and Houston Engineering anticipates a declaration of substantial completion by the August board meeting.

Poissant Bridge Removal: Houston Engineering is addressing the MnDNR comments regarding the proposed plan.

CWF Grant Applications: Herrmann continues to work on CWF opportunities west of PC # 44, Brady Kroenig, Section 28-33 of Liberty/Reis Twp. and Geomorphic Assessment. Herrmann informed the board that the Geomorphic Assessment may not be a feasible application as due to COVID, funding hasn't been approved for this type of application. Herrmann suggests incorporating this type of work into our One Watershed One Plan.

10. ADMINISTRATOR REPORT:

Local Meetings: Swenby reported that she attended remotely the Mahnomon County Work Group meeting and the RRWMB meeting. She also attended the Polk County Commissioner Meeting where the district petitions were approved for 2021, and will be built into the levy to be approved at the September board meeting this year.

Union Lake/Sarah Improvement District: Swenby attended the LID meeting. There was dissention among landowners for closing the open ditch system. After hearing the concerns from the landowners, the LID decided to approach the current landowner to obtain an easement, without closing the ditch system. The current landowner has confirmed that there isn't any interest in an easement for the open ditch system. Swenby invited the buyer to the next LID meeting to see what can be worked out. The watershed managers agreed that an easement is necessary and reiterated the importance of it, and instructed Swenby to move forward with quotes associated with the pipe as directed last month, despite the LID's instruction to hold off.

There was a lot of discussion regarding the plan for the pipe, on whether or not the pipe should extend out into the lake, to address the concerns of a few Lake Sarah landowners for plugging. There were some safety and operational concerns for extending out the pipe beyond the lake shore.

The trappers broke up the beaver dam, so a back hoe was not necessary for removal (Highway 10 location).

Swenby presented the Union Lake Erosion Control Project to the LID board. The Union Lake Sarah Campground owner said that he would spray the structures for the district, if needed.

Liberty/Onstad: Swenby is still in communication with MnDNOT. She last heard from them June 25 and they stated that water had been too high to do any cleaning.

Landowner Ditch Plug/Project # 24: Swenby toured this area with the landowner and the ditch plug has been installed and appears to meet the requirements of the permit. Photos were taken and placed in the district file.

Spokely Wash Plant: Swenby called Lonnie Spokely and he stated that they haven't cleaned the ditch yet. Spokely said they would call the district when it was cleaned.

Project # 20: The landowner is willing to level the spoil to the correct height, to be set by Houston Engineering. The attached letter was sent to the Township on behalf of the landowners requested a road raise. Swenby has spoken with the township, who will discuss this at their next meeting.

Project Team: We are looking at hosting a project team meeting on July 28 at 10 AM. The sub committee will meet July 28 at 4 PM.

Office Assistant: The deadline was June 26 for applications and the district has only received two applicants. Both applicants appear from their resumes to be a good fit for the job. Swenby has reached out to the school to see if Service Learning is still an option, but hadn't heard back. Manager Hamre and Manager Vesledahl agreed to serve on the committee and conduct interviews July 28 after the subcommittee meeting that evening.

FDRWG: Swenby had a phone conference with the Chair – Teresa Ebbenga – Regional Director of the MnDNR about the concerns the district has without representation on the FDRWG. We discussed the new processes that are in place for adding new members, the current quorum requirements (at the last meeting there were ten members and 5 were RRWMB members), and how our district and non RRWMB members can move forward with others towards the same goal of FDR.

Ditch Inspections: Swenby provided the observations (as done last month) for a reminder. Swenby and Travis Nelson toured Project 5 this month in addition to last month's inspection. There is a buffer infringement on about ¼ mile which was noted the same as last year. Swenby gave the landowner instructions for where to measure, and told him to seed the buffer after the corn is removed. Swenby noted some plugging on the end of the project and suggested that the district send survey crew out to find out exactly what is causing it. The ditch appeared to be in poor shape with lots of cattails throughout. Swenby recommends fixing lower end for now, spraying this year with helicopter then assessing again next year.

Project # 17 Side Inlets: Swenby spoke with the landowners and the renters in Section 28 and 29 along Polk County #41 about the district's plan to move the side inlets to prevent them filling with gravel. Both landowner and renter were supportive of the idea. There are soybeans planted and the district will have to wait until October/November to begin the project.

Fertile-Beltrami English Classes: Some of the things that take a lot of staff time are the articles and public relations of the district. I have reached out to the Fertile-Beltrami English teachers to see if this is something they might like to adopt as part of their curriculum. One teacher has responded with excitement and feels this may be a good fit for her class.

Mapping System Upgrade. Swenby is still working with Houston Engineering to finish up the mapping system and get all of our systems uploaded with assessed areas. The managers were provided a link to review the progress.

Audit Report 2019: The audit report for 2019 was provided to the managers. A **Motion** was made by Manager Bartz to approve the audit report for 2019, **Seconded** by Hamre. **The Motion was carried.** Swenby will disperse the audit report as per MN Statute.

Sediment Basins: Due to time restraints a **Motion** was made by Manager Vesledahl to be tabled until August **Seconded** by Bartz. **The Motion was carried.** Manager Engelstad recused himself from discussion and voting.

Onstad Boundary Revision: Last month the district discussed boundary issues along 102 in Onstad Township. A meeting between the SHRWD staff and the RLWD staff was held and it was decided by all to move forward with a boundary revision. The preliminary investigations indicated that the removal of culverts in the railroad grade on the North Side of 102 will define the existing boundary. Additionally, the 40 acres that US Fish and Wild Life own, North of Carl Moland's property, would be transferred to the Red Lake Watershed District. Manager Engelstad met with Carl Moland, and states that Moland would be in favor of a proposal such as this, as it would provide his property two outlets, one along the offtake ditch and one along 102. A motion is needed to move forward authorizing Houston Engineering to develop a plan for a boundary revision in Onstad

Township along 102, at a 50/50 cost share with the RLWD is needed. A **Motion** was made by Manager Engelstad to move forward with a boundary revision investigations, cost sharing with the RLWD, **Seconded** by Vesledahl. **The Motion was carried.**

Swenby noted this will take some time, as public hearings will be required. Due to COVID-19, public hearings may not be able to be held at this time, delaying any revisions.

Manager Engelstad would like to involve the landowners. Herrmann suggested having some time to prepare a map and it was decided to invite the landowners in on July 28, while Herrmann is here so he can listen to the landowners and their feedback regarding the issues they face in the area. Herrmann agreed that the more information he has, the better his analysis will be.

Section 20/Scandia Township (SH Ditch): There has been a request for inspection for a couple of culverts along the SH ditch in Section 20 of Scandia Township, noting maybe some damaged pipes. Swenby toured the area with Manager Hamre. After a site visit, Swenby asked Herrmann review the as built to see if these pipes were included and it didn't appear that they were, however, it is quite obvious they are essential to the system and that they have been there for a very long time. Swenby confirmed that we do not have a culvert inventory for this system and Herrmann added that it isn't unusual for systems of this age to not have all of the side inlets associated with the project recorded. Swenby expects given the age of the system, this is the first of many. A **Motion** was made by Manager Bartz to obtain a culvert inventory on the Sand Hill Ditch, **Seconded**, by Manager Engelstad. **The Motion was carried.** The board can make a decision regarding the responsibility of the side inlets and their replacement after the inventory is complete.

Bear Park: Swenby presented the following time-line to the managers.

- Early May: Trappers inspected the full system (county line to Krogstad Bridge). Reported 2 dams, holding minimal water back (one was completely submerged), both were upstream of the structure. Water was reported low and flowing well. Locations were deemed inaccessible by land. No beaver activity reported upstream of structure. A few were trapped downstream.
- Beginning of June: Landowner reported low lying land with water on it. Staff inspected area, noting significant amount of rain and a large drainage area. A draft letter was written, but staff is still waiting on additional facts and board direction for the language. Staff authorized trappers to perform another inspection of the complete court ordered area to see if there are any new obstructions.
- Mid June – June 24: Landowner reporting low lying land with water on it, states that the river is not “draining down as per the design” Reports that water is equal on both sides of the structure and suggests that there is a blockage past the structure. Swenby toured this area on June 19 and June 28.
- June 25: Another tour by boat was made by the trappers and they report that the channel was boated from the structure to the Krogstad bridge. No beaver dams were found. No beaver activity was noted. Trappers noted that there is a significant amount of weeds/cattails in the channel. Noted that the river was moving with current, but slow and attributed it to the weeds. Staff notified concerned landowner of findings. Landowner would like the area beyond the Krogstad bridge inspected
- June 26: Staff and Houston Engineering inspected area.
- June 28: Trappers took the area by boat from County Line to Structure for 2nd inspection. – no dams or obstructions were found.

Gerald Paulson has asked that images he submits be provided to the managers. The images were given to the managers. The images are taken at the same vantage point, weekly.

There are two dams in the court ordered area. They cannot be got to back hoe or be blasted at this time. Swenby asked for a cost estimate for our trappers to remove them by hand. They are willing to remove by hand need to purchase a pump that will remove the mud that is gluing the dam

together. They would like \$1000 up front to be able to purchase the pump. Thereafter they estimate that the removal of the two dams would cost an additional \$2,500. The managers did not want to take action and did not see this as a feasible solution. The managers have asked Swenby to ask for an hourly rate, man and machine to remove the dams. A **Motion** was made by Manager Vesledahl instructing Swenby to contact the beaver blaster for the area behind Olsons (after verifying that there is part of the dam above water) and to wait until the water lowered to remove the dam behind the gravel pit as that dam is completely submerged, **Seconded** by Manager Bartz. **The Motion was carried.**

The managers discussed the design of the project and intent of the project. The project provides flood control downstream on the Sand Hill River. Based on the Engineer's Report, the structure currently provides approximately 3,300 acre-feet of storage at the emergency spillway crest (1161.5 MSL) and 150 acre-feet of storage at the crest of the low notched weirs in the outlet structure (1155 MSL). This represents about 5% of the total available storage below the emergency spillway. It was noted that the structure drained down to below the notches in the outlet structure after the spring 2020 runoff, and have been at elevations above the notches after recent rains within the watershed.

Manager Bartz presented pictures of flooding upstream of this area, with many acres of overland flooding in multiple locations that is still working on draining down and it continuing to move downstream. The managers discussed the amount of improved drainage on the upper end that has been implemented since the origination of the project, all contributing factors to the amount of water draining to this area in a faster amount of time than when the project was initially built.

The managers discussed implementing a data recorder at the structure. Manager Vesledahl agreed that this would be helpful to monitor rain events at various locations. The cost associated with this would be high, and the US Weather Service provides this information online. Manager Vesledahl asked for a gage system that would track the height of the water within the weir. A **MOTION** was made by Manager Vesledahl to instruct staff to look at options for measuring the success/functionality of the project, **Seconded** by Manager Engelstad, **The Motion was carried.** At this time the district will not authorize river investigations past the Krogstad Bridge. Swenby will communicate with Gerald Paulson.

Houston Engineering will be developing maps that show the flood easement area. Herrmann indicated that he needed more information from Swenby, other than what was provided to create the maps. Swenby will coordinate with Herrmann to ensure he has what he needs to develop the flood easement map area.

The managers asked Swenby to check with the MnDNR about restrictions for spraying cattails in this area.

Vesledahl Wetland Mitigation: MnDOT has sent a letter to the landowners in the area and Swenby provided a copy of that letter. Swenby proposed following up with Mark Johnson and provided suggested language, asking that legislative efforts still be attentive to pursuing proper easements. The managers agreed to send the proposed response to Senator Mark Johnson.

Liberty Onstad: The managers discussed the area that Dean Johnson inquired about earlier in the meeting. Manager Engelstad agreed that it makes sense that Johnson would want to consolidate the culverts. The managers agreed that because repair is needed now would be a good time to accommodate the landowner. The managers discussed cost share options. After discussion, it was determined that all that was needed for the hydrology of the ditch was a repair and an apron. Allowing the landowner to remove the culverts risks damaging them and having to purchase another. The managers agreed that the district would purchase aprons to allow for the crossing to be larger. The managers would like a cost estimate for Johnson the work performed on the ditch but agreed it is good practice to entertain local landowners to perform the work.

A **Motion** was made by Manager Bartz to add an apron to the area where scouring is evident, **Seconded** by Vesledahl. **The Motion was carried.**

Swenby will call Polk County to inquire about the well/septic and if was closed the time of the transfer. The board will discuss the sale of the land at the August board meeting.

11. OTHER BUSINESS

Partnering agency reports such as the Flood Damage Reduction Work Group, Union Lake/Sarah Improvement District and local workgroups were given to the managers.

Manager Vesledahl asked about an area along 59, where a new culvert appears to be needed. Swenby suggested that the township apply for a permit to add a culvert.

Chairman Christian asked about the progress regarding the Texas Crossing. Swenby explained that Houston Engineering is still working out recommendations for solutions on the items noted from the annual ditch inspections. Chairman Christian noted that the middle culvert has an obstruction, and Swenby added at the time of her inspection there was not an obstruction in middle culvert. Herrmann will drive that way back to Fargo today and take a look and a recommendation will be provided.

12. PERMITS:

The following permits were presented to the board. The permits in bold were reviewed by Houston Engineering.

2020-17: Alex Engelstad – Section 25, Russia Twp. – Clean existing ditch and install tile

2020-18: Alex Engelstad – Section 14, Reis Twp. – Clean existing ditch and install tile

2020-19: Paul Engelstad – Section 13, Reis Twp. – Clean Existing Ditch and install tile

Houston Engineering recommends the following provisions on the above three permits and suggests this for all permits that request tiling into our legal ditch system ROW:

- The applicant is responsible for adequate erosion control measures at the outlet of the tile system. This should include the installation of riprap or other protection measures at pump outlets as appropriate. It will remain the responsibility of the applicant to maintain this protection as long as the tile is in place and operating.
- The applicant is responsible to ensure that all gravity outlets be installed above (however not more than 2-ft above) the elevation of the original design gradeline of the receiving ditch or channel.
- The applicant is responsible to ensure that all disturbed areas in ditch R/W's will be restored and reseeded to preexisting conditions.
- The only permissible disturbance within the ditch R/W is installation of the gravity outlet and erosion control. No other tile may be installed within the ditch R/W.
- The applicant is responsible to relocate gravity outlet and pipe within ditch R/W if requested by the SHRWD board of managers.
- The application will notify the SHRWD within 15-days of completion of the work

2020-20: Paul Engelstad – Section 23 & 24, Russia Twp. – Clean Existing Ditch (NW quarter not in our district). Approval is for only area in our district)

2020-21: Garden Township – Section 26, Garden Twp. – Install a culvert (recommend not to exceed a 36" CMP)

2020-22: David Balstad – Section 29, Sletten Twp. – Install tile

2020-23: Travis Fuchs – Section 27/34, Winger Twp. – Install tile

2020-24: Bear Park Township – Section 10 and 15 – Install/increase size on culvert

A **Motion** was made by Manager Bartz to approve the above listed permits, with noted recommendations/provisions, **Seconded** by Manager Vesledahl. **The Motion was carried.** Manager Engelstad recused himself from discussion and voting.

The managers agreed to adopt the above language/provisions for all tiling permits that that tile into legal ditch system ROW.

13. ADJOURNMENT:

The next regular meeting will be held Tuesday, August 4, 2020 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, **Seconded** by Manager Engelstad. **The Motion was carried.**

April Swenby, Administrator

JJ Hamre, Secretary