



TITLE: DRAFT REGULAR MONTHLY BOARD MEETING MINUTES

DATE: NOVEMBER 4, 2020

1. ATTENDANCE:

Chairman Stuart Christian called the November 4, 2020 meeting to order at 8:00 AM at the District Office. Other managers attending were Clayton Bartz, Craig Engelstad, and JJ Hamre. Managers absent include Dan Vesledahl. One staff member was present April Swenby – Administrator. Others in attendance were Zach Herrmann – Houston Engineering and Kevin Davidson – Davidson Construction.

2. APPROVAL OF THE AGENDA:

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

3. MINUTES:

A **Motion** was made by Manager Hamre to approve the minutes from the October 6, 2020, with a direction change on page 6 (changing East to West), **Seconded** by Manager Engelstad. **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 October, **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:

A & S, Llc.	7,830.00
Anderson, Bottrell, Sanden & Thompson	2,007.50
April J. Swenby	176.53
EcoLab	53.57
First Community Credit Union	47.06
Fischer, Rust, Stock & Rust, PLLC	220.00
Garden Valley Telephone Company	209.23
Houston Engineering	81,365.82
Jason Benbo	560.00
Marco	183.12
Minkota Technologies	62.50
Otter Tail Power Company	180.44
Sam's Club	84.92
Sarah Wise	48.00
True North Steel	3,276.79
Wild Rice Electric	134.80

A **Motion** was made by Manager Engelstad to approve and pay the bills with a total of \$96,440.28, **Seconded** by Bartz. **The Motion was carried.**

5. TRUTH AND TAXATION

The budget for 2021 was presented and an opportunity for public comment was provided. Revisions were not made to the budget for 2021. No comments were made.

6. DITCH LEVIES

A **Motion** was made by Manager Bartz to approve the following resolution and the ditch levies relating to the ditch levies for 2021, **Seconded** by Engelstad, **Carried**. A roll call vote was held depicting the following:

	Yea	Nay	Absent	Abstain
Christian	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vesledahl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hamre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bartz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engelstad	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, section 103E.725 provides, all fees and costs incurred relating to a drainage system, including repairs, inspections, engineering, viewing, and publications, are costs of the drainage system and must be assessed against the property and entities benefited; and

*WHEREAS, the Board, pursuant to procedures under the drainage code, Statutes Chapter 103E, has performed work and incurred costs on Sand Hill River Watershed District Ditches and Drainage Projects: **County Ditch # 9, County Ditch # 119, #32 Ditch #80, Sand Hill Ditch, #03 Liberty-Onstad, #05 Ditch 17-2, #11 Beltrami Flood Control, #12 County Ditches 98 &148, #13 Reis-Scandia, #17 Polk County #41, #20 Ditch # 46, #24 Ditch 77 and 166 (Nielsville), and #27 Union Lake Pumping.***

WHEREAS, Statutes section 103E.655 requires the costs for drainage project proceedings and construction to be paid from the drainage system account by drawing on the account. Statutes section 103E.645 requires the payment of fees and expenses; and

*WHEREAS, the drainage system accounts Sand Hill River Watershed District Ditches and Drainage Projects: **County Ditch # 9, County Ditch # 119, #32 Ditch #80, Sand Hill Ditch, #03 Liberty-Onstad, #05 Ditch 17-2, #11 Beltrami Flood Control, #12 County Ditches 98 &148, #13 Reis-Scandia, #17 Polk County #41, #20 Ditch # 46, #24 Ditch 77 and 166 (Nielsville), and #27 Union Lake Pumping** do not contain sufficient funds to pay current costs; and*

WHEREAS, Statutes section 103E.655 provides that if money is not available in the drainage system account to pay current costs, the board may, by unanimous resolution, transfer funds from any other drainage system account under its jurisdiction or from the its general revenue fund to the drainage system account. If the board transfers money from another account or fund to a drainage system account, the money plus interest must be reimbursed from the proceeds of the drainage system that received the transfer. The interest must be computed for the time the money is actually needed at the same rate per year charged on drainage liens and assessments; and

WHEREAS, Statutes section 103E.755 allows the Board to establish a repair fund, surplus, in the drainage system accounts in order to have funds available for future actions and costs on the drainage systems; and

WHEREAS, assessments to repay drainage system costs may be paid in annual installments not to exceed 20 years at a rate of interest not to exceed the rate determined by the state court administrator for judgments under section 549.09 (currently 4% maximum).

THEREFORE, the Board of Managers of the Sand Hill River Watershed District, Drainage Authority for Sand Hill River Watershed District Ditches and Drainage Projects: **County Ditch # 9, County Ditch # 119, #32 Ditch #80, Sand Hill Ditch, #03 Liberty-Onstad, #05 Ditch 17-2, #11 Beltrami Flood Control, #12 County Ditches 98 &148, #13 Reis-Scandia, #17 Polk County #41, #20 Ditch # 46, #24 Ditch 77 and 166 (Nielsville), and #27 Union Lake Pumping** adopts the following drainage system assessments, and directs certification thereof to the Polk County and Norman Auditor for collection:

County Ditch # 9	\$	18,000.00
County Ditch # 119	\$	8,000.00
Total #32 - Ditch #80	\$	5,000.00
SH DITCH Sand Hill Ditch	\$	15,000.00
#03 Liberty-Onstad	\$	5,000.00
#05 Ditch 17-2	\$	9,000.00
#11 Beltrami Flood Control	\$	5,000.00
#12 County Ditches 98 &148	\$	7,500.00
#13 Reis-Scandia	\$	5,000.00
#17 Polk County #41	\$	25,000.00
#20 Ditch # 46	\$	7,500.00
#24 Ditch 77 and 166	\$	10,000.00
#27 Union Lake Pumping	\$	15,000.00

This resolution shall serve as the Board's assessment order as required by Minnesota statutes chapter 103E; and

FURTHER, the Board of Managers of the Sand Hill River Watershed District authorizes inter-funds loans from (account of the WD) to the drainage system accounts for Sand Hill River Watershed District ditches and drainage projects **County Ditch # 9, County Ditch # 119, #32 Ditch #80, Sand Hill Ditch, #03 Liberty-Onstad, #05 Ditch 17-2, #11 Beltrami Flood Control, #12 County Ditches 98 &148, #13 Reis-Scandia, #17 Polk County #41, #20 Ditch # 46, #24 Ditch 77 and 166 (Nielsville), and #27 Union Lake Pumping** to cover deficiencies in the accounts in fiscal year 2021.

7. ENGINEER'S REPORT:

Project 3: The apron was installed. Houston Engineering will verify consistency with provided installation detail.

Project 17: Herrmann provided Right of Way requirements west of MN Highway 9. Approximately 3.6 acres of additional R/W is needed to provide a 16.5' buffer. The next steps include identifying the proper legal process to acquire R/W for land acquisition (MN 103E). Staff will begin the process with the attorney to develop a plan to move forward for acquiring the ROW next year.

The township reported that the road is overtopping in Section 28/29, Russia Township. Herrmann provided a map highlighting the area. The road overtops and washes during large runoff events (spring 2020). Washing is caused by flows along the road to the south due to road being the lower than spoil elevations. Herrmann suggests providing the following recommendations to the Township after communicating the following with the landowner:

1. Raise road in the area of the culvert.
2. No road raise to the anywhere else along the Section 28/29 line to not cause additional damage potential in Section 28.
3. Construct breakout along the south spoil pile east of the township road to an equivalent width and elevation to the current road overtopping elevation.
He noted that the recommended fix will not reduce ditch capacity and will allow flows to break out into the east road ditch rather than scouring the township road surface.

There were also reports from Hammond township that the road is overtopping in Section 28/29 of Hammond Township. Herrmann anticipates similar recommendation as Section 28/29, Russia Township.

Project 27 – Union/Sarah Lake Outlet: Swenby asked Herrmann to review the request for alternative alignment ditching options and found that a field review of wetlands along the alignment indicated wetland impacts. The board discussed the pros and cons of a pipe and revisited that scenario in comparison to offering an easement with the current ditch system that is in place. Swenby reiterated that there are landowners on Lake Sarah who are opposed to a pipe system, and prefer keeping an open ditch. Herrmann will continue to verify that wetlands are or are not an obstacle. The managers are not opposed to moving forward with a pipe, as the main issue is securing an easement.

A field review completed with LID and SHRWD on October 14, 2020 highlighted three areas. Herrmann provided a map that correlates with the three areas:

- ii. Location 1: Plug to prevent overflows into Bungum Lake. Plug may need reinforcement as landowner indicated seepage.
- iii. Location 2: Field crossing culvert and approach channels appear to be damaged/plugged. Landowner indicated plugging has resulted in flooding of adjacent property.
- iv. Location 3: Sandbag levee on USFWS property that is intended to prevent overflows into Crooked Lake. The sandbags are deteriorating and would like to replace with a more permanent blockage.

Ditch 80: Herrmann gave an update on the project, indicating that the contractor was scheduled for today's meeting. Herrmann reviewed the liquidated damages that were charged against the project. Herrmann also presented a timeline of the project construction and compared it to rainfall patterns.

The managers discussed what actual costs were related to the delay of the project.

Sand Hill Ditch: Herrmann provided a culvert inventory of the entire system. The managers reviewed a few locations that they thought did have culverts that were not flagged. Additionally, the managers asked about the jurisdiction relating to the portion of Kittleson that belongs to the project.

Sand Hill Ditch Riffles (Phase 2): The work substantially completed. Herrmann provided pay

request no. 1 for the managers to review for \$271,871.95 (total contract less retainage).

A **Motion** was made by Manager Engelstad to approve the pay request # 1 as submitted for \$271,871.95, **Seconded** by Manager Hamre. **The Motion was carried.**

Poissant Bridge Removal: The district will be requesting an extension through LSOHC. Without an extension, the window is extremely tight and doesn't leave room for construction issues.

Boundary Revisions 102: Herrmann provided the field survey plan.

Bear Park Dam: Herrmann discussed the construction for the embankment sluffing over the outlet pipe.

8. DAVIDSON CONSTRUCTION – DITCH 80:

Kevin Davidson requested an audience with the board to discuss the liquidated damages that were charged for \$61,000 and asked for room to negotiate. Davidson explained that he was planning on mobilizing in the late fall of 2018, but that fall ended up being wet with an early freeze. Due to the wet season of 2019, they didn't get started until November 2019. Davidson explained the complexity of the project and the obstacles that the field crew experienced that took additional time that wasn't expected.

It was explained to Davidson that the liquidated damages that were allocated were actual expenses that were incurred due to the legal, engineering and the additional year of ROW that was purchased. Liquidated damages were only charged for 61 days but based on dates liquidated damages could have been charged up to 230 days.

Davidson suggested reducing the liquidated damages by half, but also indicated that he was not trying to "get away with anything". He acknowledged they were late and anticipated starting in September of 2019 and actually mobilized, but the weather did not cooperate. He reminded the managers that it wasn't cost effective to get everything in 2019 that they did get done, due to the freezing weather, but they tried to get the landowners drainage for the spring of 2020.

The managers expressed satisfaction with the workmanship that was provided and added that the landowners and the inspectors were satisfied with the quality that was provided.

Kevin Davidson left the meeting and the managers discussed again the actual costs associated with the delay of the project. They also reviewed the dollar amount that was bid in comparison to the next highest bidder, which was about 25% under the estimate.

The managers would like to see a more defined total of actual costs incurred and would like to review this topic in December, when a final pay request is submitted.

9. ADMINISTRATOR REPORT:

MAWD: The 2020 Virtual MAWD Annual Conference is scheduled for December 1 -4. There will be a lot on drainage and a new manager workshop. Swenby provided the link for the managers. There were no managers able to attend.

Quarterly Reporting: The quarterly reports for federal and state payroll and all grants were completed throughout the month.

SHAC Meeting: The Advisory Committee is tentatively scheduled for November 16 at the Erickson's Smokehouse. The terms of Clayton Bartz and Dan Vesledahl are up for appointment.

Manager Bartz is interested in running again. Manager Vesledahl is not. There are two or three names that have expressed interest. A current Advisory Committee list was given to the managers. The managers unanimously asked Swenby to add Dale Balstad, Troy Olson, Paul Stromstad, and LeRoy Halstad to the Sand Hill Advisory Committee, as they have expressed interest in serving as a manager to the Watershed District or their name has been suggested as a possible manager.

FDRWG: Buffalo Red met and discussed the proposed letter Swenby had written and shared at the regular SHRWD meeting last month. The consensus was that a response will not do any good or make any changes as long as the same RRWMB serve on the FDRWG. There was hope that after some time this can be resurrected with some positive results. The BRRWD felt that the letter was spot on but would fall on deaf ears. If the SHRWD wants to send it, it would be solo. The managers agreed to follow suite with the Buffalo Red Watershed District by not commenting on the FDRWG's minority decision.

Union Lake/Sarah Pumping: Swenby is still moving forward with investigating moving the open ditch, to obtain an easement. Houston Engineering is reviewing permitting options. There are wetland concerns which may prove to be a road block. She is coordinating with the landowner and the LID. Houston Engineering is going to take a look in the field at the wetland area to make sure they understand what is out there and feel it is beneficial when talking to WCA and MN DNR. It does show up as a wetland in the National Wetland Inventory.

Swenby and Herrmann met with Chairman Christian, Cynthia Hibbard, Lonnie Paradis, and Rich Johnson on site and toured US Fish Land, culverts on Johnson's property, and Doyle's property. Hermann is developing a plan for the locations on Johnson's property and the US Fish land. Swenby met with Dean Johnson who states he is able and available to clean the area on Doyle's property. Doyle did not want the sediment on his property and it needs to be hauled away. We have some options of placing the spoil on the South property side, but not enough space due wetland determinations and obstacles. Rich Johnson has given us permission to place the spoil on his property (about 2 miles away). There is about 500' of ditch that needs cleaning. Two trucks will be needed for hauling. Johnson estimates that depending on the amount of fill that is taken out and the amount of trucking needed it could be between \$2,000 and \$3,000. The managers suggested that Houston Engineering set the grade for the cleaning to respect the regulations of the wetlands. The managers suggested reaching out to Miller again, as he has a long arm reach hoe.

Swenby is working with Cynthia Hibbard to wrap up the MnDNR permit for the pumping that was done this year.

Bear Park: Swenby, Travis Nelson and Joe Miller had a phone conference regarding the plan for the structure at Bear Park. Miller started November 2 at the Bear Park Structure. For this fix, Houston Engineering was on site.

The beaver trappers did a fall scout and found four dams. Two were between the structure and the gravel pits and were inactive. I have contacted Miller for removing the two near the pit and he is unable to get to them by back hoe. Swenby has contacted Buchholz Blasting to have them blasted. Two more were found upstream of the gravel pits and were active. Trappers were going to trap that area.

Project # 20: The hubs have been set for Paul Engelstad. He will begin the maintenance work this week.

Ditch 9: The landowners preferred to begin the cleaning process for Ditch 9 vs. not cleaning and waiting for an improvement. Stortroen was hired to complete the cleaning from PC # 41 – County Road 14 for this year. The side inlets along 290th Avenue that were approved last year, will be moved further away from the road to avoid plugging from the gravel that washes into the Township ditch (Project # 17).

SH Ditch Scandia Section 20: Spruce Valley performed the repair – time and materials. Billing was in the bills to be paid.

Project # 5: Paul Swenson reported a culvert failure (48”) in Section 31 (SE quarter), and as per instructions given last month, Joe Miller performed the installation of a new culvert on November 3.

Paul Swenson also reported plugging on this ditch early this spring. The trappers trapped the beaver and Jeff Gullickson removed the dam. The landowner reports that there is still water backing up in a small amount, noting that the dam removal helped but will need additional cleaning. Miller performed the additional cleaning on November 3 and completed what he could. The district will monitor this throughout next year.

Additionally, there a beaver dam reported on Project 5 near Durms. Joe Miller removed the dam this month.

Vesledahl Wetland Mitigation: MnDOT called this month to ask the district’s position for the transfer of the land. I told him that the district is open to many things, and reminded them of the last conversation the district had with Dave Weirens which was that that Weirens was going to draft up an operations plan for the wetland so that expectations for management are clear. Swenby explained to MnDOT that in the mean time the district is working with Legislatures to secure proper easements that were promised to the landowners at the origination of the project. Swenby was told that construction on the items listed on the Resolutions Report had begun and Swenby reminded them that the district had not received a permit for any work being done in the area. Swenby asked them to fill out an after the fact permit. Additionally, Swenby reached out Senator Mark Johnson to continue pursuing legislative action for easements on the drainage ditches.

Ditch Mowing: Mike Larson began mowing on the West end of the district. Larson got about 10-11 miles completed and was able to only complete what was dry enough. He is waiting on colder weather with no snow to do more. He noted that some culverts on Project # 24 had some build up and thought it would be nice to get those cleaned out before it completely froze. He was going to send Swenby the locations of what he noticed. He said one culvert had a hay bale in it.

Spokely Wash Plant: Swenby sent a letter this month reminding Spokely’s to insert the planks. As a reminder the ditch was cleaned this summer. Spokely’s responded to the district’s letter by stating that the planks were inserted and they made improvements to the structure this fall. They poured concrete on the inlet so that there will be no leakage. A ditch block with concrete was also put in. Photos were provided to the managers.

Project # 3/Culvert Repair: Dean Johnson installed the rock apron and it is complete.

Section 8 Liberty: A landowner has requested information about Section 8 of Liberty, with the possibility of being assessed into the area of Project # 20. Swenby sent him the information needed and gave him an example of a petition to use the outlet.

Mickey Scott Bridge: The JPA was signed and was provided to the managers for the shoreline repair near the Mickey Scott Bridge. As a reminder the district entered into a JPA to provide a fix for the shoreline near the structures. Since the dam was removed the impact was substantial, and the MnDNR recognized that, offering \$15,000 towards the proposed repair. JC&J Trucking was hired and began using the MnDNR specs for the rock work. Swenby is meeting with JC & J Trucking and the MnDNR on Thursday to review the specs. The Township decided to move forward without the aid of the district for securing the box culverts, and used the county’s specs for placing concrete and rebar in between the structures.

Administrative Assistant: Swenby would like to move forward with scheduling interviews. The filing is piling up and it is beginning to be overwhelming. Mask mandate or not, the job still needs to happen. Houston Engineering brought almost a dozen boxes of records that need scanning and filing and will be a good project this year for an assistant. Planning ahead, the 1W1P will be taking off in the next year and many meetings will be held.

COVID/Office Hours: Swenby reminded the board that they gave her flexibility to be able to work from home during the school year if needed, as she has two children who are distance learning three days a week. She reported that she has not had to work from home as a result, as it has been going well for her older children. She wanted to give the board a heads up that there is talk of Fertile-Beltrami going complete distance learning. In that case, she does have an elementary student, and because of that she may need to work from home some during that time to try to balance their education and work.

10. ACTION ITEMS.

Project # 3 - Land Sale: Land sale discussions were placed on hold due to landowner contention. The managers were asked to review the proposal of the district still wanting to move forward with selling the land. There is minimal cost thus far with the attorney. Manager Engelstad would prefer to keep the land or offer it back to Kevin Berhow. Chairman Christian informed the managers that Dean Johnson called him and indicated the benefit for him owning the land would be that he could utilize the larger crossing at that location. A **Motion** was made by Manager Hamre to keep the land in the district name for now, and not move forward with selling the land, **Seconded** by Engelstad. **The Motion was carried.**

Culvert Sales: Swenby provided a proposed ad for the sale of the culverts. The managers have set a deadline of December 1 for sealed bids.

Wilkins took five 36" culverts, as agreed upon in 2019. The agreed upon price was 20% of new. I received a price quote for new at \$33.84 per foot.

Building Project: Plans and specs have been provided. Nothing has changed "building wise" since this spring, only heating/cooling and electrical this summer. The managers discussed that construction materials are high right now. The managers decided to wait until January/February and revisit the possible bid letting for this project. Herrmann brought up a point that an engineer's estimate might be required because the bid amount can't exceed a certain percentage of the estimate. Swenby will check on this.

Permit Approvals for Legal Ditch systems: There has been some contentious discussions with Polk County, district staff and the district attorney regarding repair vs. improvement. Swenby has been forwarding the correspondence throughout the month to keep the managers updated. Given the district history with the county (namely Polk County Ditch 55), our district attorney recommends that when permits are received for culvert size increases, a letter of confirmation is accompanied with the letter indicating that the intended work has been verified a repair not an improvement by someone with authority within that county, and prefers that that the letter of confirmation come from the county attorney's office. The County Engineer has refuted this request and has indicated that the county will continue to the work with or without a district permit and does not believe confirmation in writing is necessary. The district has 5 options or a combination of the options:

1. Continue to move forward and deny any permit within a county legal ditch system for culvert increases if they do not have a letter of confirmation stating that this has been reviewed and verified that the work is a repair as defined by Minn. Stat. 103E.701, subd. 1. This could result in many violations, battles and a poor working relationship with the county. This is what our attorney recommends first and has drafted a letter to represent this direction.

2. Use the above option, but allow the letter of verification to come from the County Engineer.
3. Write a contingency on every permit for legal ditch systems that indicate a change in sizes that states the following: **“Permit approval is contingent on the assumption that that the County Attorney has confirmed that proposed work is consistent, as nearly as practicable, with the same hydraulic capacity of the system, capacity as originally constructed and subsequently improved and that the proposed work is a repair as defined by Minn. Stat. 103E.701, subd. 1. Any proposed work that is not so consistent is not approved within the permit.”** Swenby has discussed this option with our attorney, and he can approve this but prefers option 1.
4. Use option 1 or 2 AND Option 3.
5. The district can provide their own hydraulic capacity report of every system to ensure for ourselves to prove without a doubt that it is in fact a repair, not an improvement. This would involve having Houston Engineering review the ditch plans of all systems and compare the proposed culvert change, **and** the upstream and downstream culvert sizes with the original ditch plans. This would be at the district cost. If original plans cannot be obtained, it is typically assumed that older systems use a 3 year frequency event.

A **Motion** was made by Manager Bartz move forward with options 2 and 3 as a procedure to adopt for permits that are applied for in a County legal ditch system, **Seconded** by Manager Engelstad, **The Motion was carried.** Additional contingencies should be addressed on an as needed basis as deemed appropriate by the district staff and engineer.

11. OTHER BUSINESS

There was no other business brought before the board.

12. PERMITS:

2020-46: JR Dale, Garfield Twp. Section 25, Clean Existing Ditch

Swenby will highlight the portion on our permit that indicates the application may have other permit requirements. Swenby will also send a map of the current wetland areas shown on a map.

2020-47: Brian Amundson (Renter Darrell Larson), Hubbard Twp. Section 7, Install culvert

Houston Engineering reviewed this permit and would suggest 24” under the stipulation that all culverts in the east road ditch of Co Rd 220 are also upsized to a 24” to the north until reaching outlet in Section 31 of Vineland Township. It was noted that there is minimal drainage added downstream, and did not think an upsized downstream was necessary. Most of the land in Section 6 of Hubbard and Section 31 of Vineland is away from the east ditch of Polk Co Rd 220, and into Polk Co Ditch 156. The basis of culvert sizing is a 10-year discharge using the board adopted culvert sizing chart. A more detailed analysis could result in different size requirements given the flat topography and the potential for tail water effects.

2020-48: Matthew Sirjord, Bear Park Twp. Section 36, Install Culvert

The drainage area to the point indicated in the permit viewer is approximately 0.3 square miles. Based on the board adopted culvert sizing chart, a 24” pipe will provide 10-year drainage. Also, since there are two 36” pipes going through the township road to the west and there is no culvert there currently, Houston Engineering feels comfortable letting the applicant go up to a 36” pipe at this location.

2020-49: Heier Township, Heier Twp. Section 22, Replace culvert (after the fact permit)

The drainage area is 2.4 square miles. To provide 2-year drainage, Houston Engineering would approve the request the culvert be increased to a 36" CMP when considering drainage alone. The basis for this determination is the board adopted culvert sizing chart. There is not a culvert size listed downstream for the culvert through County Highway 3, however based on google roadside, it appears to be much larger than a 36" CMP. Also, the limiting factor for drainage on this water course is likely the vegetated channel and not this culvert location. Swenby noted that the adjacent landowner will not be supportive of a culvert increase in size, as he does not want the water level decreased on his pond. To drain the wetland or affect the wetland, the Township will need to acquire a MnDNR permit, and the wetland responsibilities are not a watershed responsibility. The landowner has also made claims that the township has place the existing culvert without a watershed permit. Upon conversations with the Township, Swenby confirmed that the Township denies illegal activity stating that there has always been a culvert at that location. Swenby and Herrmann have been in contact with the MnDNR, and it is the recommendation to approve replacing and resetting the grade for a 24" culvert. If the applicant would like to pursue moving forward with a size increase, the district should recommend that the applicant apply for a MNDNR Public Works Permit and then after that process is complete, apply for a watershed district permit for a size increase.

2020-50: Hubbard Township, Hubbard Twp. Section 13, Raise twp. Road (after the fact permit)

Houston Engineering provided a map and highlighted the possible impacts to the North and West by approving the proposal on the permit. Herrmann suggested that the permit be approved I contingent getting written landowner permission (landowners in South half of 11 and 10) for the proposed plan from the landowners North and West. Herrmann will develop an impact analysis statement for the landowners to sign.

2020-51: CMGB Land, Hubbard Twp. Section 13, Ditch Improvement (after the fact permit)

2020-52: Heidi Rude, Hubbard Twp. Section 13, Ditch Improvement/Install Culvert (after the fact permit)

2020-53: Pat Ranz (Renter Austin Broden), Liberty Twp. Section 24, Install tile

Houston Engineering recommends approval contingent that discharges from the tile line must enter the Sand Hill River on his property. The applicant may not outlet the tile line where it must flow across his neighbor's property to reach the Sand Hill unless he/she can provide written permission to do so.

2020-54: JR Dale, Liberty Twp. Section 35, Install Tile

This permit is recommended to be tabled until the applicant can provide additional information. The applicant has been contacted highlighting the additional information needed.

2020-55: Lyle Fuchs, Garden Twp. Section 32, Install Beamed Crossing

It was noted that the engineer reviewed this permit stating they don't have any survey information of the channel or very much detail of what the landowner wants to do. However, it appears this area is all floodplain, and quickly submerges. As long as the bridge does not restrict overtopping of the township road to the north, and doesn't create a large obstruction in the floodplain, Herrmann was comfortable with what is being proposed with the following conditions listed on the permit.

- *The top of the finish grade (after gravel is added) cannot exceed the elevation of the township road to the north.*
- *The top of the beam must transition to existing ground within 20 feet of the end of each beam.*
- *The bottom of the beams must be kept above normal flow conditions in the channel.*
- *MnDNR protected waters and needs MnDNR approval.*

2020-56: Craig Engelstad, Liberty Twp. Section 3, Clean existing ditch and remove ditch plugs

A **Motion** was made by Manager Bartz to approve the above listed permits (except 20-54), noting the engineers comments and provisions, **Seconded** by Manager Hamre. **The Motion was carried.** Manager Engelstad Abstained.

A **Motion** was made by Manager Bartz to table decisions on permit 20-54 until more information is obtained, **Seconded** by Manager Hamre. **The Motion was carried.**

13. ADJOURNMENT:

The next regular meeting will be held Wednesday, December 1, 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 10:51 PM, **Seconded** by Manager Vesledahl. **The Motion was carried.**

April Swenby, Administrator

JJ Hamre, Secretary