



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: FEBRUARY 3, 2022

1. ATTENDANCE:

Chairman Stuart Christian called the February 3, 2022, meeting to order at 8:00 AM at the District Office. Other managers attending were Don Andringa, Craig Engelstad, and JJ Hamre. Managers absent included Clayton Bartz. Staff members present included April Swenby – Administrator and Donna Bjerk – Administrative Assistant. Other in attendance included Zach Herrmann, Houston Engineering.

2. APPROVAL OF THE AGENDA:

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

3. MINUTES:

A **Motion** was made by Manager Engelstad to approve the minutes from the January 12, 2022, making a change in the attendance listing, **Seconded** by Manager Hamre. **The Motion was carried.**

A **Motion** was made by Manager Engelstad to approve the minutes from the January 25, 2022, board retreat as presented, **Seconded** by Manager Hamre. **The Motion was carried.**

4. FINANCIAL REPORT:

A **Motion** was made by Manager Hamre to dispense the reading of the Treasurer’s Report and approve the Treasurer’s Report for January, **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 (Wild Rice, Todd’s Landscaping, and the City of Fertile were additions to the bills to be paid report):

City of Fertile	54.61
EcoLab	53.57
First Community Credit Union	291.13
Houston Engineering	20,715.44
MAWD	2,907.00
Minnesota Counties Intergovernmental Trust	5,321.00
Office Supplies Plus	464.28
Red River Basin Commission	5,000.00
Sarah Wise	48.00
Todd's Landscaping	135.00
Wild Rice Electric	130.88
TOTAL	<u>35,120.91</u>

Swenby drew the attention of the managers towards the increase in insurance from MCIT. Premiums are based on actual district expenses, as MCIT uses that to foreshadow liability. In 2020 (the year this premium is drawn from) had significant project expenses. Swenby pointed out that even with this increase, premiums are similar to what the district was paying before MCIT. The years that there are many expenditures, the district should expect a higher insurance rate for errors and omissions.

A **Motion** was made by Manager Andringa to approve and pay the bills with a total of \$35,120.91 **Seconded** by Manager Hamre. **The Motion was carried.**

5. ADMINISTRATOR REPORT:

Vesledahl Wetland Banking: Swenby provided an e-mail from JT Anderson highlighted a formal process for landowners who apply for cleaning permits within the Vesledahl Wetland site. The process includes permission from the watershed district for cleaning, as the drainage authority. The e-mail states that MnDOT will require a watershed permit for cleaning through the wetland. MnDOT will have a 2-day turnaround time, and then a 2-week turnaround time with BWSR for approval of all cleanings through the wetland. Swenby has asked MnDOT to formally send this out to the landowners in the area, and MnDOT will do so this spring. MnDOT hopes to have a draft agreement/partnership agreement to the district by the end of February. Swenby has asked our Legislators to continue working on Plan B.

When referring to the formal process for cleaning within the Vesledahl Wetland site, Manager Englestad questioned what the two-week turnaround time means. Does that mean permission, or does that mean that after 2 weeks BWSR will be prepared with the stipulations required for a cleaning? Manager Andringa suggests asking MnDOT to be more clear with the landowners in their correspondence, highlighting the benchmarks of the culverts. Manager Englestad suggested asking MnDOT and BWSR to forward correspondence to the district during the permitting process.

Swenby also noted that our rules and regulations state that the landowner must be the applicant. MnDOT is the applicant. Swenby will speak with MnDOT about this watershed stipulation, asking them to be agreeable to complete a watershed application for cleaning. Manager Englestad asked if MnDOT is prepared to manage the paperwork as a landowner of protected waters.

Swenby agreed these are all great questions and will propose them to MnDOT.

MDM Grant: Outlet Stabilization: Swenby and Herrmann are meeting with Rick Moen at 2:30 today to talk about the options and plans for the outlet.

Strategic Planning Session: The next strategic planning session is March 30, 2022, at 8 AM.

MADI: MN Association of Drainage Inspectors Spring Conference– March 10, 2022, in Willmar, MN.

1W1P: The steering committee has been gathering signatures from all of the partners. We will be meeting this month.

MN Historical Building Grant: A review of the draft we submitted was completed. The district has met the milestone requirements of the grants thus far. It appears that the bank building may be eligible for listing in the National Register. Our deadline isn't until April. We are way ahead of schedule. Swenby will be submitting the final report this month.

Sand Hill Water Quality/Liberty Township: Herrmann and Swenby are meeting with Liberty Township this afternoon.

Open Meeting Law: There are two statutes. Swenby summarized with her understanding stating that unless it is COVID related and a healthcare provider does not recommend an in-person meeting, the district should follow MN Statutes Section 103D.02. Using that statute, if managers would like to attend remotely, they would need to find a public location accessible to public. Other restrictions would need to be met as well and a list of those restrictions were given to the managers. In the past, the district has just marked a board member absent and moved on with the meeting. If the district would like to move forward with different options for meetings where board managers cannot attend in person, Swenby was open to that. She suggested the need for purchasing some additional technology devices. Currently, the district screen only allows for one display, which we currently use for board effect and audience displays. Without an additional screen we could not display board effect during a particular meeting. Zoom would have to be displayed on a screen where every manager could be visible at the same time. The sound is the next obstacle. In the past the district has used conference calling, because the computer speakers that transmit the sound were choppy and users could only hear those who were directly in front of the computer. There would need to be a better way to transmit the sound to meet the statute. Swenby questioned how often this occurrence is where a board manager would be absent that isn't related to COVID, and if it is worth the cost/time to pursue this option. Manager Andringa suggested that managers can just be marked as absent.

LSOHC: The grant has been submitted for closure and Swenby submitted the final report and final expense report this past month.

Building Maintenance: The building has had many days where there is a strong sewer gas smell. Swenby has been working with HN Plumbing to find the problem, and it was deemed multi-factorial. TDS moved the snow from the building so a scissor lift was rented and placed along the building to inspect the roof vent, which was plugged, and a T was placed. The vent was plugged about 6-7'. Additionally, a capped off pipe was found downstairs with significant cracking and concrete will be cut from the floor this week to repair the cracks. The plumbers will be here next week, after the floor is cut to repair this. The concrete will also need to be repaired and the carpeting will need to be fixed as well.

6. ENGINEER'S REPORT.

Project # 17: Houston Engineering is currently reviewing the of underway of Polk County Ditch 9 overflow (west of railroad and MN Highway 9). Herrmann is hoping to bring some information forward to the board in March.

Ditch 9 and 119: A legal survey is underway to finalize the ROW needs. Herrmann suggests setting a hearing to the March board meeting. Payment to landowners will be distributed after the 30-day appeal period beginning after the final order.

Project Team/Kittleson Creek Storage: Herrmann met with Cassie Ahmed (NRCS) on February 2, 2022, to discussion NRCS funding options for this area. The program is called Watershed Operations.

Project Team/SH Ditch Bank Stabilization: Herrmann is developing a path forward to best align the project with potential funding.

MN Highway 102 Area Boundary: Herrmann and Swenby met with MnDOT and Polk County. MnDOT and Polk County were supportive of the efforts and have asked for some verifications that crossing 250' (+/-) southeast of Bernham Creek crossing can handle added flows. Polk county has requested documentation that the proposal will not have adverse harm.

7. ACTION ITEMS.

Incremental Buffer Law: There was discussion on a proposed price per acre of right-of-way damages. Two options were presented as follows:

- Option 1: County Market Value.
 - Pros: Consistent method, “black and white”, cost effective to determine rate, land is technically “non-tillable” with new buffer law.
 - Cons: Generally lower in value than recent land transactions.
- Option 2: Generalized Estimated Market Value.
 - Pros: Better estimate of actual ag value, consistent rate for everyone (?).
 - Cons: Added costs to ditch system (appraiser or staff analysis), land isn’t really tillable anymore due to buffer law.

A **Motion** was made by Manager Andringa to use the average county estimated market value for determining the ROW payment with the cost per acre will differentiate between tillable (100%) and not tillable (50%) using the most recent available tax value, **Seconded** by Manager Engelstad, **Carried**.

8. OTHER BUSINESS

The managers received information from the Minnesota Association of Drainage Inspectors, the FDRWG, and MAWD.

9. PERMITS:

Seven permits were presented to the board as follows:

- 2022-01: Paul Engelstad, Onstad Township Section 31, Install Tile
- 2022-02: Paul Engelstad, Russia Township Section 36, Install Tile
- 2022-03: Paul Engelstad, Russia Township Section 25, Install Tile
- 2022-04: Paul Engelstad, Russia Township Section 24, Install Tile
- 2022-05 Paul Engelstad, Liberty Township Section 19, Install Tile
- 2022-06: Paul Engelstad, Reis Township Section 24, Install Tile

Swenby noted that several of the permits show land that is partially owned by another party. Engelstad is working on additional permits with the landowners and applications for those will be forthcoming. These applications are only for the land that Engelstad owns, even though some applications show work on additional land. Engelstad felt it was important to show the whole project on each application. Herrmann has reviewed all of the permits. All permits that outlet into legal ditch systems will attach the board approved contingencies. Permit 22-05 and 22-06 will require Polk County approval.

A **Motion** was made by Manager Hamre approving the above listed permits, **Seconded** by Manager Andringa. **The Motion was carried.** Manager Engelstad recused himself and abstained.

10. ADJOURNMENT:

The next regular meeting will be held Thursday, March 3, 2022, at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Hamre to adjourn the meeting at 11:07 AM, **Seconded** by Manager Engelstad. **The Motion was carried.**

Donna Bjerk, Administrative Assistant

JJ Hamre, Secretary