



**TITLE:** DRAFT REGULAR MONTHLY BOARD MEETING MINUTES

**DATE:** JULY 7, 2022

## 1. ATTENDANCE:

Chairman Stuart Christian called the July 7, 2022, meeting to order at 8:00 AM at the District Office. Other managers attending were Clayton Bartz, Don Andringa, JJ Hamre, and Craig Engelstad. Staff members present included April Swenby – Administrator and Donna Bjerk – Administrative Assistant. Others in attendance included Zach Herrmann, District Engineer of Houston Engineering. Attending remotely included Dave Hauff – District Attorney, Brett Arne – BWSR, and Jenny Mocol-Johnson - PRAP coordinator at BWSR.

## 2. APPROVAL OF THE AGENDA:

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

## 3. MINUTES:

Under the section MN 102 Drainage, the proposed minutes read “installing a ditch plug northwest” and clarified that it should read “installing a ditch plug northeast”. A **Motion** was made by Manager Bartz to approve the minutes from the June 2, 2022, clarifying the ditch plug location under the heading “MN 102 Drainage”, **Seconded** by Manager Engelstad. **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 June, **Seconded** by Manager Andringa. **The Motion was carried.**

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

<b>Adam Ross</b>	6,178.80
<b>Anderson, Bottrell, Sanden &amp; Thompson</b>	3,617.50
<b>April J. Swenby</b>	25.74
<b>City of Fertile</b>	52.08
<b>EcoLab</b>	53.57
<b>First Community Credit Union</b>	384.17
<b>Garden Valley Telephone Company</b>	606.18
<b>Houston Engineering</b>	21,893.45
<b>Office Supplies Plus</b>	65.97
<b>Olson &amp; Sons</b>	75.00
<b>Otter Tail Power Company</b>	274.29
<b>Sam's Club</b>	108.10
<b>Sam's Club</b>	3.08
<b>Sarah Wise</b>	48.00
<b>Stuhaug Sanitation</b>	184.00
<b>City of Fertile</b>	54.59

MN Assn. of Drainage Inspectors	50.00
Clear Image Collective	189.75
Fertile Hardware Hank	21.75
Wild Rice Electric	<u>276.52</u>
<b>TOTAL</b>	<b><u>34,162.54</u></b>

A **Motion** was made by Manager Engelstad to approve and pay the bills with a total of \$34,162.54, **Seconded** by Manager Andringa. **The Motion was carried.**

## 5. VESLEDAHL WETLAND MITIGATION – DISTRICT ATTORNEY:

Dave Hauff, District Attorney, has reviewed a proposed contract from MnDOT for managing the drainage through the site known as the Vesledahl Wetland Mitigation. Hauff explained that the contract presented by the state does not allow for a funding mechanism for drainage. Statute sets how the watershed districts can levy and explained that there does not appear to be any statutory support for such an arrangement. This particular project does not meeting the criteria for using the statues that allow districts to form a watershed management project and falls under MN Statue 103E. Hauff explained that the district cannot use statutory funds like MSA.103D.905 Subd 3 to fund projects that have a sole purpose for drainage.

When discussing the proper legal mechanism to fulfill the terms of the contract presented, Hauff referred the managers to MN Statute 103E.202 which states a petition must be signed by a requisite number of owners of 40-acre tracts or government lots and property that the drainage project described in the petition passes over, or by the property owners of the required percentage of the property area determined by the total and percentage of area of 40-acre tracts or government lots that the proposed drainage project passes over, excluding areas in and holders of easements for utilities and roads.

Hauff will draft a formal opinion and present his findings to the managers.

## 6. PRAP - BWSR:

Jenny Mocol-Johnson, PRAP coordinator was introduced. The Sand Hill River WD was on BWSR's list this year to undergo a Performance Review and Assistance Program ("P-RAP") evaluation. this is a regular evaluation that all BWSR LGUs (SWCDs, Counties, Watershed Districts and Metro WMOs) go through once in a 10-year cycle as mandated by Minnesota Statute 103B.102. Mocol-Johnson explained that this is not an audit of any kind, but more or less a check-in from a programmatic and partner perspective.

## 7. ADMINISTRATOR REPORT:

**Union Lake Pumping:** The LID has continued to pump. Swenby attended the LID meeting on June 20 and gave an update on the pumping plans and process. Meeting materials were provided to the managers. There are some suspected beaver issues on Rick Johnson's property, and he has set some traps. The road west of his property was under water, and staff and Manager Christian along with the LID have been monitoring this closely throughout the pumping process. Johnson would like to see the culvert plugged completely, where there are old sandbags and believes that would relieve pressure off of that road west of his property. HEI is investigating to ensure that the project is not causing adverse impacts on the township road. Lonnie Paradis, LID, has volunteered to fly a drown to investigate plugging west of Bungam Lake to determine if that is a more appropriate cause for the road overtopping. Plugging was noted, and the district was informed that several beavers were trapped the weekend of the 4<sup>th</sup> and debris removed. By July 5, the road was not overtopping from the North. Swenby called Paradis (LID) and Johnson to let them know, and if they note high water again to please encourage their township to be proactive with beaver issues. As of the information we have today, the project is not causing adverse harm on the township road.

**Ditch Inspections:** Herrmann and Swenby performed inspections on the eastern side of the district (Project 5, Project 3, Project # 27 and Bear Park). The Western side is scheduled for July.

**Noxious Weeds:** A landowner has called to report noxious weeds on the SH Ditch. Swenby referred him to our attorney's advice and the board's discussion a couple of months ago, in which the district attorney highlighted two statutes. MN Statute 103F.48 (provided to managers) which is the general buffer strip statute, and it provides that owners are responsible to "maintain a buffer. The definition of a buffer "means an area consisting of perennial vegetation, excluding invasive plants and noxious weeds, . . . ". As such, the landowner is responsible to take care of weeds in the buffer. MN Statute 18.78 (provided to managers) which states that a "person owning land, a person occupying land, or a person responsible for the maintenance of public land must manage all noxious weeds, according to the noxious weed categories under section 18.771, on the land at a time and in a manner ordered by an inspector or county-designated employee." There is an Attorney General Opinion which indicates that "It is the duty of an occupant of land, or if unoccupied, the owner, to destroy noxious weeds which grow along the banks or within a state, county, or judicial ditch situated upon the occupied or owned premises." (Op.Atty.Gen., 322g, Sept. 5, 1963.)

**Mileage Rate:** The Internal Revenue Service announced an increase in the optional standard mileage rate for the final 6 months of 2022. For the final 6 months of 2022, the standard mileage rate for business travel will be 62.5 cents per mile, up 4 cents from the rate effective at the start of the year.

**Legal System Maintenance:** There were two noted plugs by landowners, one on Ditch 119 and one on Ditch 80 Paul Englestad offered to clear the on Ditch 119 he was granted permission from staff. Ditch 80 will be reviewed by staff during ditch inspections, along other reported locations sited by landowners this spring on various projects.

**MAWD Partners Tour:** There is a partner's tour August 23 – August 25 starting at the Canad Inn in Grand Forks. The managers were asked to let Swenby know if they'd like to attend so she can register them and reserve hotel rooms if they'd like to stay over.

**Ringdike Funding (Farmstead):** There is upcoming funding for ring dike support. The details are still being worked out, but currently, 50% is state funded. Information was provided. Manager Engelstad noted on property on the district tour east of Nielsville that may benefit from a farmstead ring dike (Burd's) Swenby suggests a notice in the paper and a notice on our website to let all landowners know of the options.

**District Audit:** The audit is almost complete, and Brady Martz is waiting for review on the audit reports. Swenby has requested an extension from the State until July 15, 2022.

**1W1P:** The planning committee has started the 60-day review period with the agencies. Public outreach will begin at the PC Fair and public meetings are planned to be held in August.

**MAWD Resolutions:** The managers were given information for MAWD on the process of submitting resolutions that will be considered by the membership in December at our annual convention, if we choose or have a need. Active MAWD resolutions as of July 1, 2022, were also provided.

**Strategic Planning:** To help keep the public informed, the district website has been updated to reflect the outcomes of the planning sessions held this year. Additionally, there will be information at the PC Fair booth highlighting the outcomes.

**LCCMR Funding Support:** The FDRWG has asked all districts to write a letter of support for the FDRWG's LCCMR application to support monitoring of projects in the Red River Basin. The funding would support the monitoring of the functionality of existing projects built and would gather information on proposed projects for pre-construction monitoring. The managers were given a copy of the district's support letter.

**Polk County Fair:** The district will have a booth again this year. Pens will be distributed, along with the 2021 annual report and the new mission statement and focus cards. Swenby invited the managers to sit at the booth, and while she is present, can't be there the whole week and thought it was nice to have a body present at the booth during the fair.

## 8. ENGINEER'S REPORT

**Liberty Township Erosion Repair/SH Ditch:** MnDNR permits are pending. The USACE will require a Section 408 Permit Authorization. Because estimated construction costs are greater than \$25,000, quotes will be solicited.

**Project Team:**

**Kittleson Creek Storage:** Herrmann is working with NRSC to develop funding opportunities.

**Liberty/Reis Erosion Repair:** For the larger fix on the SH Ditch, Herrmann stated his goal is to have a conceptual design and cost estimate with the project team cooperation by the end of 2022. A preliminary concept design is completed. The concept includes extents from MN Highway 9 and east. It allows for a two-stage channel using the existing ditch alignment and riffle locations. There are two options. Option 1 includes a 240' floodplain (\$25M + Project) and Option 2 includes a 140' floodplain (\$16M + Project). He will be looking into an option 3.

**Project # 27:** Herrmann will begin revisiting the solutions near Rick Johnson's property where the sandbags are holding water and diverting it to the drainage path. Swenby has called the original engineer for the set elevations for this structure and Herrmann has a box directly from Widseth, Smith and Nolting and plan on looking for the heights set at the original design. Manager Christian recollected that there is a document somewhere stating that a small amount of water is designed to flow through.

**Moen Erosion Control:** Herrmann site visit has been completed and a survey task list is completed. He is anticipating a 2023 construction.

**Polk County 44 Culvert Inventory:** Herrmann anticipates the survey crew to begin this month. Manager Engelstad will meet with Travis when he does the inventory, to ensure that culverts are not missed.

**9. ACTION ITEMS.**

**MSA Statute (M.S.A.) 103D.905, Subd. 3:** Swenby will be meeting with the Polk County Commissioners in July to present the annual report for 2021 and present the proposed petitions. Swenby gave a detailed reviewed of the petitions and proposed budget. Last year the amount for each category of our petitions was \$102,483.37. The new capacity is \$105,266.92 for 2023.

A **Motion** was made by Manager Andringa to approve the proposed petitions as presented at the full capacity of \$105,266.92 for 2023, **Seconded** by Manager Bartz.

**10. OTHER BUSINESS**

The managers received information from the Drainage Work Group, FDRWG, FDRWG Communication Committee, Union Lake Improvement District, MAWD, and MN Association of Drainage Inspectors. There are various conferences upcoming. Swenby asked the managers to let her know if they'd like to attend any (most are August).

**11. PERMITS:**

**TABLED PERMITS (from June 2022 board meeting)**

Permit 22-028: Eric Engelstad, Liberty Township, Section 11, install a culvert

This permit requests to install a culvert through 415<sup>th</sup> Street, just west of 140<sup>th</sup> Avenue to utilize the north road ditch of 415<sup>th</sup> Street. Further west near Kittleson Creek, a driveway crosses the south road ditch of 415<sup>th</sup> Street that experiences damages during high flows. The proposal in the permit would utilize the north road ditch to minimize future damages to the driveway. The SHRWD has performed a technical investigation to verify that the north road ditch can handle any added flows from the proposal or define the anticipate adverse effect of the proposal. The analysis showed that a 24" would not have adverse impact on the adjacent landowner that there is capacity in the north road ditch. The current 30" pipe would also be required to be restricted to a 24" pipe. Herrmann recommends approval from the Township, because the added drainage would stay within the township road authority. Herrmann will draft a technical memo.

A **Motion** was made by Manager Bartz to approve permit 22-028, **Seconded** by Manager Andringa. **The Motion was carried.** Manager Engelstad recused himself.

Permit 22-031: Paul Engelstad, Reis Twp, Sections 25 and 26, Install Tile

Permit 22:032: Colleen Tupper, Reis Twp., Section 25 and 26, Install Tile

Permit 22-031 and permit 22-032 are requests to tile drain into the SH Ditch. Last month the managers asked Herrmann to perform a hydraulic impact analysis. Based on the findings of our hydraulic impact analysis, the proposed drain tile is likely to have negligible effects on the Sand Hill Ditch for the analyzed events. Because most of the proposed tile system is located in the WRWD, the applicant should coordinate with the WRWD on additional permitting needs for the project. If approved, Herrmann suggests that the applicant be subject to the standard conditions used for out letting into a SHRWD Project. While the impact analysis suggests negligible impacts, it should be noted that varying conditions can result in differing impacts during actual flood events, and it's the applicant's responsibility to ensure that the tile system and any outlets be maintained to ensure proper operation.

A **Motion** was made by Manager Andringa to approve permit 22-031, **Seconded** by Manager Hamre. **The Motion was carried.** Manager Engelstad recused himself.

This permit discussion brought forth a discussion on the southern boundary and the way the water flows between the two districts. Swenby and Herrmann will work with the Wild Rice Watershed District to evaluate the area, to brainstorm ideas for water management between the two districts. A **Motion** was made by Manager Bartz to authorize such discussions by staff and to authorize the expense to include Herrmann, **Seconded** by Manager Hamre. **The Motion was carried.**

## NEW PERMITS

Permit 22-034: Stuart Farmland GP, Scandia Section 20, Clean existing ditches

Permit 22-035: BRAF Farmland Holding GP, Spring Creek Twp, Section 14, Install Tile

Deny – not in our watershed district

Permit 22-036 - Double Down Farm GP, Winger Township Section 21 – Install tile

Requires permission from the county.

The following permits have been approved in prior years, and extensions. Due to our rules and regulations, the permits did not qualify for extensions, therefore new permits were applied for.

Permit 22-037: Craig Engelstad, Liberty, Section 2, Clean existing ditches, construct new ditch

Permit 22-038: Craig Engelstad, Onstad, Section 34, Install Erosion Control Structure

Permit 22-039: Craig Engelstad, Onstad, Section 34, Install Culvert

Permit 22-040: Craig Engelstad, Onstad, Section 34, Install Erosion Control Structure, Install Culvert

Permit 22-041: Craig Engelstad, Liberty, Section 15, Clean Existing Ditch

Permit 22-042: Craig Engelstad, Liberty, Section 14, Install Culvert

A **Motion** was made by Manager Andringa deny permit 22-035 and approve the remainder of the permits, **Seconded** by Manager Bartz. **The Motion was carried.** Manager Engelstad recused himself.

## 12. ADJOURNMENT:

The next regular meeting will be held Thursday, August 4, 2022, 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 11:00 AM, **Seconded** by Manager Engelstad. **The Motion was carried.**

