



TITLE: DRAFT REGULAR MONTHLY BOARD MEETING MINUTES

DATE: NOVEMBER 3, 2022

1. ATTENDANCE:

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

2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Hamre to approve, adding one action item for Project # 27, **Seconded** by Manager Engelstad. **The Motion was carried.**

3. MINUTES:

A **Motion** was made by Manager Andringa to approve the minutes from the October 6, 2022 meeting, **Seconded** by Manager Bartz. **The Motion was carried.**

4. FINANCIAL REPORT:

A **Motion** was made by Manager Engelstad to dispense the reading and approve the October 2022 Treasurer Reports, **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.

April J. Swenby	211.25
EcoLab	53.57
First Community Credit Union	1,025.53
Houston Engineering	16,571.25
JC & J Trucking, Inc.	5,010.00
Nathan Rasch	730.00
Otter Tail Power Company	142.71
Rosebud Township	1,200.00
Sarah Wise	48.00
West Polk Soil & Water Conservation District	2,105.57
JC & J Trucking	\$41,750.00
YHR Partners	1,120.00
TOTAL	<u>69,967.88</u>

A **Motion** was made by Manager Engelstad to approve and pay the bills with a total of **\$69,967.88**, **Seconded** by Manager Hamre. **The Motion was carried.**

5. TRUTH AND TAXATION

The budget for 2023 was presented and an opportunity for public comment was provided. Revisions were not made to the budget as approved in September for 2023. No comments were made.

6. DITCH LEVIES

The board was presented with information regarding drainage system costs and assessments necessary to pay drainage system costs related to Sand Hill River Watershed Ditches and 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.** The Board gave instruction to its staff to take the actions necessary to certify assessments for drainage system costs. Pursuant to the Board's instruction, staff prepared a draft assessment order for the Board's consideration. Based on the information provided, Manager Engelstad moved adoption of the following:

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	\$25,000
County Ditch # 119	\$5,000
#32 - Ditch #80	\$6,000
SH DITCH Sand Hill Ditch	\$25,000
#03 Liberty-Onstad	\$5,000
#05 Ditch 17-2	\$10,000
#11 Beltrami Flood Control	\$5,000
#12 County Ditches 98 &148	\$5,000
#13 Reis-Scandia	\$5,000
#17 Polk County #41	\$30,000
#20 Ditch # 46	\$3,000
#24 Ditch 77 and 166	\$12,500
#27 Union Lake Pumping	\$15,000

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 2023.*

This resolution was **Seconded** by Manager Andringa. After discussion, the President called the question. The question was on the adoption of the foregoing resolution. Upon the following roll call vote, the President declared the Resolution 2022-A.

	Yea	Nay	Absent	Abstain
Christian	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andringa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

7. ADMINISTRATOR REPORT:

Union Lake Pumping: Joe Miller has been contacted to clean the channel between Lake Sarah and Union. HEI will need to set the heights for Miller. The details are provided in Herrmann’s report, regarding the levels and what they would be cleaned at. Miller will also replace the deteriorating sandbags with a rock-lined ditch plug, at the existing elevation on November 3, 2022.

Bear Park Beaver: Beaver dam was sited west of 110th Avenue. Beaver trappers began trapping on October 31, 2022 and Miller was in the area and removed the dam.

FEMA Funding: On October 11, 2022, a recovery scoping meeting was held to establish the steps for the public assistance grant development process. At that meeting we discussed the damage inventory list, scheduled site inspections and discussed a program delivery plan. I asked Herrmann to attend that meeting to be an advocate for the damage assessment and inventory as we are hoping for mitigation efforts. To begin, FEMA will perform a site assessment with staff and HEI. A cost estimate will be developed for repair to pre-disaster conditions. Staff will have an opportunity to review and comment. To determine mitigation eligibility, the project will first have to be determined eligible for public assistance, it will have to be compliant with EHP (Environmental & Historic Preservation), cost effective, and technically feasible. That process will determine and compare the costs and benefits of pre-disaster restoration or mitigation.

1W1P: A Steering Committee meeting was held on October 18. Policy and Advisory Committee meetings are scheduled for November 8.

BWSR Academy: Swenby attended the BWSR Academy on October 25, 26, & 27.

Project Team: Herrmann and Swenby were tentatively planning a November Project Team meeting, however, they thought it was best to postpone to see what FEMA's options were regarding mitigation.

SH Ditch Alignment: A meeting has been scheduled with the US Army Corp of Engineers to discuss the alignment of structures 1 and 2 for November 17. New contacts have been made.

FDRWG 10 year Flood Plain Mapping: On October 31, 2022, the RRB Watershed District Administrators plus RRWMB TAC met to review recommendations from the FDRWG Planning Committee for mapping the 10-year floodplains in heavily farmed areas, consistent with the Mediation Agreement. Pending FDRWG approval, this would set the valley up to procure a contractor to "pilot" several alternate mapping methods that have been identified in consultation with IWI. The meeting is to touch base with the watersheds first to see if this is on the right track and worth funding. At the meeting there was good discussion, and it was sent to the TAC. Administrators questioned how this would be used and how it would be beneficial to watershed related work.

MAWD: The annual trade show is December 1 -3 at Arrowwood. Swenby will attend. The district will not have a delegate attending the meeting for voting.

Vesledahl Wetland Banking Tour: Swenby toured the area with the Bruce Wilkin, BWSR on November 1, 2022.

Debris Obstructions: A couple of reminder letters went out to landowners on Project # 24 reminding them of the district rules and regulations regarding obstructions, namely corn stalks. Swenby plans to do the same for Project # 17, and Manager Andringa plans to help identify landowners/renters.

SHAC Meeting: The Sand Hill Advisory Committee will meet on November 21. Manager Engelstad and Manager Hamre are up for reappointment. Manager Hamre will get back to Swenby. Manager Engelstad is interested in running another term.

8. ENGINEER'S REPORT

Project # 27: Joe Miller is on site today to replace the sand bag plug that prevents flows into Bungham Lake. HEI has set the heights for Miller in relation to MnDNR permitting.

Herrmann presented the clean out plan for Miller to complete this week, at the interconnect. Herrmann has been coordinating with the MnDNR to establish a height that meets the criteria of the permit in relation to the Construction Plans. From the fish screen to the first culvert, the clean out plans to entail cleaning to the as built elevations. Thereafter, the clean out plan is to clean culvert to culvert, slightly above the as built plans.

Manager Christian suggested that the district look into the screen and replacing that. Herrmann agreed that it has been many years and it may be time to visit that and will put this on the list for 2023, and will work with the MnDNR permitting throughout the winter.

Sand Hill Ditch – Liberty/Reis Erosion: Herrmann met the FEMA officials at the Sand Hill River Watershed District office. An inspection is required to make damages assessments. LiDAR drone data will be used to speed up the process and collect the information needed for FEMA.

Sand Hill Ditch – Liberty Road Sloughing: JC&J Trucking finished up. The 75 additional rip rap units were needed to complete the project, causing a change order of \$6,300. The riprap as added due to actual conditions encountered in the field that varied from the design using LiDAR data.

Polk County Ditch 80: There is a side inlet culvert issue in the SE ¼ of Section 30 in Onstad Township that was identified from a landowner and was inspected during ditch inspections, and a survey followed. The 24" CMP appears set at .03' too high for the existing field drainage coming from the south. Herrmann proposed to reset the culvert and grade ditch for the adequate depth.

9. ACTION ITEMS.

Polk County # 44: Herrmann has finished the culvert inventory along PC # 44 adjacent to Section 35 of Onstad Township and Section 2 of Libert Township. The purpose of the culvert inventory was to identify culverts through PC #44 as it pertains to the boundary of Project # 17. Herrmann presented a map and highlighted his findings from the culvert inventory. Four culverts through PC #44 were identified that have potential to contribute to Project # 17. These four culverts were plugged in prior years to keep flows to the south into Kittleson Creek and out of Project # 17, otherwise known as PC#44/Onstad 35 Diversion. Two of the four centerline culverts under Polk 44 have become unplugged. A Motion/Second was voted on last month to move forward as staff sees fit, as it pertains to Project # 17. Swenby has obtained county permission and Tim Olson is lined up for November 3 or 4 to plug these culverts as per the board motion.

Because no flow is allowed to the west with the centerline culverts plugged, Herrmann is of the opinion that the plugged centerline culverts under PC #44 likely impact flows remaining in the east road ditch of PC #44. In general, culvert sizes appear to be orderly in the east road ditch of PC #44 with the exception of the intersection of 410th Street SW and PC #44. At this location, there is one 36" culvert and one 18" culvert. Historically the 18" was plugged and has become unplugged. Herrmann is of the opinion that keeping the 18" plugged will better match the system downstream. The downstream culverts from this location are one line of 24" under PC #44 and one line of 18" in the east road ditch of Polk 44. While plugging the centerline culverts through PC #44 would likely have an impact on the boundary of Project 17, plugging the 18" RCP in the east road ditch at the Polk County 44/ of 410th Street SW likely does not affect boundary of Project #17.

The district attorney discourages using Project #17 repair funds for the plugging of the culverts under PC #44 that was a board motion/second last month because that work was never a part of the original design of Project #17. The attorney does not recommend using ditch funds for this particular work, citing MN Statute and also noting that prior records indicate maintenance is the landowner's responsibility. An avenue discussed was to ask the landowners to perform maintenance. If they are not interested, the district can implement an outlet fee pursuant to Minn. Stat. §103E.401 subd.7. for those landowners using Project #17. Swenby reported that the district attorney does not see a viable fund that the district has under the law for performing maintenance on any of these culverts.

Manager Engelstad stated that his property is on the west side of PC #44, and he pays for protection benefits relating to Project #17, and stated that if Project # 17 existed or didn't exist it wouldn't matter to his drainage. He questioned what protection meant if the district doesn't protect the boundary and questioned what he is paying for. Manager Engelstad stated he was frustrated with spending district funds for the culvert inventory, staff time, and legal time, and not ending up better off than when we started. Manager Andringa suggested that landowners who do not wish to be in the benefit area of Project # 17, plug the culverts on their own. Manager Engelstad believes it is possible that when the diversion was constructed, landowners were not made aware that maintenance would fall on them.

Swenby stated that she did not foresee the attorney's advice coming, and was surprised as well. Regardless of who pays to plug the culverts, she still felt that the culvert inventory was necessary, stating that the district didn't have historical records for both phases for exactly which culverts were plugged and why. Because of the culvert inventory, the district now has a permanent record for the flows in this area and how they impact our legal systems, and we have a better understanding of MN Statute and how it pertains to the watershed district funds, and felt that both of those items are of value to the district and future boards who make decisions.

The following two questions for action come before the board:

1. Swenby proposed the following two options:

- a. Rescind last months motion to claim financial responsibility for the maintenance of the plugged culverts and send a letter to landowners asking them to plug the culverts or ask them to pay the outlet fee pursuant to Minn. Stat. §103E.401 subd.7.
- b. Move forward with last months motion/second to perform the maintenance by plugging the centerline culverts under PC #44, and take action directing Swenby which fund should the maintenance underneath PC #44 be attributed with. The attorney has verified that the survey work can be attributed to Project # 17, as it was investigations relating to Project # 17.

A **Motion** was made by Manager Andringa to use the construction fund/RRWMB levy to plug the culverts that protect the boundary of Project #17, **Seconded** by Manager Bartz, **Carried**. Voting was not unanimous as Manager Engelstad voted nae. Manager Andringa noted that this is only a one time maintenance obligation, and that future maintenance would not be the obligation of the district.

A **Motion** was made by Manager Andringa that future maintenance of this area protecting the boundary of Project #17 is the future responsibility of the landowners, **Seconded** by Manager Bartz, **Carried**. A letter will be sent to the landowners letting them know their maintenance responsibilities, highlighting the alternative of paying an outlet fee.

2. Swenby asked the board to consider who would obtain the financial responsibility for re-plugging the 18" culvert at the intersection of 410th Street SW and PC #44, as keeping the centerline culverts plugged, adds water to this location.

A **Motion** was made by Manager Andringa to use the construction fund to plug the culvert in the east road ditch of the intersection of 410th Street SW and PC #44. **Seconded** by Manager Hamre. **The Motion was Carried**. . Manager Andringa noted that this is only a one time maintenance obligation, and that future maintenance would not be the obligation of the district. Swenby will send a letter to the landowner highlighting the district's position of future maintenance, asking them to work with their local road authority for future maintenance. The position of the watershed district is that maintenance of this culvert will not be the future responsibility of the watershed district.

Swenby will also send a letter and a map to the county, asking them to keep these records for any future maintenance on PC # 44, to ensure that county maintenance does not interfere with the boundary obligations of Project #17.

December board meeting date: Because MAWD is scheduled for the December 1 when the regular scheduled board meeting is, Swenby offered rescheduling, or continuing to hold the meeting knowing Swenby or Herrmann would not be in attendance. A **Motion** was made by Manager Engelstad to set the December regular board meeting to December 8, 2022, **Seconded** by Manager Andringa, **Carried**.

Personnel Policy: The Personnel Committee met on October 24, to address the rising cost of health care and the district policy for health care benefits. The district health plan for only medical insurance has increased from \$1528.72, to \$2,170.78 (that is their cheapest offer – the Cadillac version went from \$2,185.30, to \$3,103.) This would be a \$600 a month increase, as district currently pays \$1,100 per month toward health benefits. Employees would need to pay \$1,000 out of pocket to keep this plan. The committee discussed alternative group options and private health insurance and reviewed the policies of other watershed districts and Polk County.

The committee recommends a new policy as follows (items in red below indicate altered language from existing policy:

The Sand Hill River Watershed District uses the MN PIEP group for medical insurance. The district will provide health insurance costs as a benefit at to 80% of the Advantage HSA family option through MN PIEP. The employee will be responsible the remaining 20%. All full time employees are eligible to receive these benefits.

A **Motion** was made by Manager Bartz approve the above recommended policy as stated, 80% of the Advantage HSA family option through MN PIEP, **Seconded** by Manager Andringa, **Carried**.

MAWD: There will not be any managers attending MAWD. A Motion was made by Manager Andringa to authorize Manager Christian to be delegate if he can attend, **Seconded** by Manager Engelstad.

Project # 27: Near the location of Rich Johnson's property, there is a culvert that the pumping project uses for their drainage. The beaver build dams inside the culvert, making it difficult to remove obstructions. A trash rack is recommended, and the cost for this is \$664.70 for the band and \$375.00 for the trash rack. Joe Miller can install it, but it will need some cleaning as well to drain the water. A **Motion** was made by Manager Andringa to purchase the trash rack and band, plus delivery and authorize the installation when it is convenient for the contractor, **Seconded** by Manager Bartz, **Carried**.

2. OTHER BUSINESS

The managers received information from the MAWA, Drainage Work Group, and the Union Lake/Sarah Improvement District.

Manager Andringa asked about processes for ditch improvements for improvements of County Ditches.

Chairman Christian met with Rob Sip of the RRWMB. Chairman Christian invited Sip to come to a Sand Hill board meeting to continue to keep the board educated. Swenby, Christian and Sip plan to meet this winter to discuss the RRWMB membership and the goals of the Sand Hill.

3. PERMITS:

The following permits from last month (tabled last month) were presented:

- 22-053: Sletten Township, Section 20 of Sletten Twp. Add additional culvert
- 22-057: MnDOT, Section 7, 17, 18, 20, 27 of Winger, Twp, Clan Ditch Install Culvert, wetland maintenance (after the fact)

Information needed to approve permit 22-053. Our rules state we have 60 days before we have to take action. The next board meeting will be December 8, which would not allow for us to meet that deadline for approval/denial. I recommend denying these permits due to lack of information, and asking the applicant to reapply at a later date with the information needed for approval.

Information from permit 22-057 was received and Swenby toured the area with the BWSR Technical Engineer. Herrmann recommends approval.

The flowing new permit was presented:

- 22-058: Minnkota Power Cooperative: Winger Township, Section 9, Culvert and access installation

A **Motion** was made by Manager Bartz to approve permits 22-057 and Permit 22-058, **Seconded** by Manager Engelstad, **Carried**.

A **Motion** was made by Manager Bartz to deny permit 22-053, **Seconded** by Manager Andringa, **Carried**.

4. ADJOURNMENT:

The next regular meeting will be held Thursday, December 8, 2022, at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Andringa to adjourn the meeting at 11:26 AM, **Seconded** by Manager Bartz. **The Motion was carried.**

April Swenby, Administrator

JJ Hamre, Secretary