



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: JULY 10, 2023

1. ATTENDANCE:

Chairman Stuart Christian called the July 10, 2023, meeting to order at 8:00 AM at the District Office. Other managers attending were Clayton Bartz, Craig Engelstad, Don Andringa and Shawn Brekke. Staff members present included April Swenby – Administrator and Donna Bjerk – Administrative Assistant. Others in attendance included Zach Herrmann – Houston Engineering, Bryan Boll – Landowner, Scott Eia – Landowner, Karl Tollefson – Landowner, and Kristin Hamre – Landowner.

2. APPROVAL OF THE AGENDA:

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

3. MINUTES:

A **Motion** was made by Manager Engelstad to approve the minutes from the June 1, 2023, **Seconded** by Manager Andringa. **The Motion was carried.**

4. FINANCIAL REPORT:

The Treasurer’s Report for June was presented. A **Motion** was made by Manager Engelstad to approve and dispense the reading of the Treasurer’s Report for June, **Seconded** by Manager Brekke. **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	1,860.00
April J. Swenby	144.76
City of Fertile	115.70
EcoLab	53.57
First Community Credit Union	1,386.41
Garden Valley Telephone Company	436.79
Houston Engineering	21,320.27
JC & J Trucking, Inc.	16,278.68
Nathan Rasch	240.00
Otter Tail Power Company	116.55
Sarah Wise	96.00
Sletten Township	75.00
West Polk Soil & Water Conservation Distr	2,055.36
Wild Rice Electric	222.16
TOTAL	44,401.25

A **Motion** was made by Manager Brekke to approve and pay the bills with a total of \$44,401.25 Seconded by Manager Andringa. **The Motion was carried.**

5. ADMINISTRATOR REPORT:

One Watershed One Plan: The Steering Committee met on June 21. The committee reviewed Section 5 Targeted Implementation Schedule (this is where the actions and targeting maps are.), Section 6, Implementation Programs (this section describes each program (Projects & Practices, Capital Improvements, etc...)). It also has regulatory program comparisons.) , and Section 7 Plan Admin (this section describes the collaboration and funding sources.)

The discussions were held regarding the fiscal agent. EPSWCD would prefer the WPSWCD be designated all roles, including fiscal agent. Polk County representatives suggested the SH River Watershed District. Swenby provided a copy of the reasoning behind the EPSWCD's preference. Ultimately the Policy Committee will decide the protocols for implementation. Swenby has suggested that the watershed be the fiscal agent, as the WPSWCD will be the facilitator of the grant reporting, using E-Link. Swenby stated that she told the committee she preferred to share the duties to offer a balanced approach, where not one entity was responsible for all oversight.

The Policy and the Advisory Committees will meet on July 11. The Steering Committee will meet again on July 19. The managers were given a calendar highlighting the timeline and the project completion of the plan.

WRWD Project Team: The June Project Team Meeting for the WRWD, relating to the Southern Boundary of the watershed was held June 28. Minutes from the previous meeting were given to the managers. The group focused on damages, where there is ag and infrastructure related water issues. The group used the TSAC paper to identify feasible alternatives that should be explored. The engineer felt it would be more cost effective to know what alternatives are supported before moving forward with modeling.

Project # 27/Union Lake Pumping: The diving team inspected the pump site on June 7. Swenby has not received footage yet. The easement for additional acreage between the two lakes is ready for signature and is in the action items for today's meeting.

Polk County #44: Landowners have confirmed a plan that they wish to plug the unplugged culverts and will let Swenby know when it is completed.

Bear Park: Trappers have completed an inspection of the whole jurisdictional area. No beaver activity was found.

Drainage Work Group: Swenby attended the Drainage Work Group meeting. She reported that the group was responsive to the Red River Basin watershed districts suggestions that the Sand Hill River Watershed managers discussed last month. More discussions at future DWG meetings will happen as they decide what direction to move forward with. Swenby provided meeting materials to the managers.

International Water Institute: Swenby attended the IWI meeting on June 8. The managers were given meeting materials from this meeting.

FDRWG: Swenby attended the FDRWG meeting in Crookston. The managers were given meeting materials from this meeting.

Building Project: Swenby reported that this is moving forward. A bid opening is scheduled for August 3 at 10 AM at our next board meeting. Plans will be e-mailed to the managers this week.

Annual Report: The 2022 Annual Report is completed and printed and a copy was given to the managers. This will be mailed to the required agencies to be in compliance. The counties also receive a copy. This was also distributed at the Polk County Fair.

Watershed Manager Training: Swenby provided information for manger training. One training is in Detroit Lakes on July 12 and the other is in Warren on July 28. Swenby stated that this is a good session for watershed law, drainage law, board and staff roles, handbooks, and open meeting laws. The managers were asked to let Swenby know if they are able to attend.

H2O Viewers: In August H2O Viewers will give a presentation on the services they provide, namely in relation to legal ditch systems and they will use the SH ditch as an example.

Ditch 9 Slough: Joe Miller completed the work. Before Swenby had it seeded she asked HEI to get some shots to ensure that it was built high enough so the system does not have issues like this again. Herrmann will discuss the survey results during his report.

The managers discussed at length which system is responsible for the expenditures regarding this damage and which fund the board would like to use. Manager Andringa suggested that the water broke out of Project #17, and when our systems do not perform, the system needs to be responsible for the damage that they cause.

Swenby agreed that this is a unique situation, as Project #17 and Ditch 9 are so closely related. She agreed that it is likely that the water broke out of Project #17, and noted that the easterly systems attribute water to Project #17. Additionally, this occurred in the spring of the year, when likely ice jams downstream were blocking the flow in Project #17, causing the water to break out. The break out was likely not caused from a malfunction of the system. The district position is that during spring thaw, the systems are not designed for drainage due to other variable factors that cannot be controlled. The managers were asked to provide direction for this expenditure later in the meeting during the "action item" portion.

An additional landowner has been reported in Section 25 (further east) of Hammond, noting damages on a side inlet. Swenby stated that this will be inspected today, and she will coordinate to get it repaired.

MN 102 Boundary: Swenby stated that staff is sending multiple e-mails each month along with phone calls to get a response from MnDOT. We have not received anything, nor have they called back. This next month, Swenby and Herrmann will have to take it to the next level and reach out in different departments to get a response.

Project 27 – Sand Bag Structure: Swenby stated that staff is sending multiple e-mails each month along with phone calls to get a response from MnDOT. We have not received anything, nor have they called back. This next month, Swenby and Herrmann will have to take it to the next level and reach out in different departments to get a response. It is possible there is employee turnover, and messages aren't being received to our contact.

6. ENGINEER'S REPORT.

Project # 17 – 230th Avenue Road Overtopping: A review of the plan with anticipated costs was discussed. The repair consists of raising the township road approximately 1-1.5 feet to force breakouts from Project 17 over the top of the adjacent field approaches, rather than down the centerline of the township road. The road raise would require approximately 1,000 feet for roadway to be raised to tie into the existing township road to the north and south. The Board discussed a potential cost-share with the township based on work required within vs outside of the Project 17 right-of-way.

A Motion by Manager Brekke to approach the township with a cost share, and Herrmann's proposal for a fix, **Seconded** by Manager Andringa. **The Motion was carried.** Manager Engelstad abstained from voting. Herrmann will prepare a cost split based on work within vs. outside for the Project 17 right-of-way.

SH Ditch: A survey was completed on the top of the spoil and the top of County Road 232 to assist in the review of the spoil/dike compared to County Road 232. Herrmann showed those results to the managers. Audience members in attendance included Kristin Hamre, Scott Eia, and Paul Tollefson. Landowners reported that many years ago, a landowner raised the height of the berm on the SH Ditch in this area, and it was reported to the district, but no corrective action was taken. When asked who's financial responsibility this should fall should the district move forward with correcting the berm height, Swenby recommended that it be a ditch system expense, as the berm height was raised years ago, and we have missed the boat to require previous landowners to correct their actions. It was suggested that before the district moves forward, the district should coordinate with the county ensure that there have not been any changes to the road height.

Scott Eia expressed concern regarding the dam removal that was completed in the recent years on the SH Ditch. It is his testimony, that the water moves faster towards the west, causing additional flooding. Herrman explained the design, in summary. Herrmann will review the original plans, in comparison to the existing structures and report back at a later date.

Surveys along Hwy 9 (related to Project #17): . The overflows indicated in the Construction Plans for Project 17 and Project 20 were surveyed to determine if the elevations and geometries are as designed. Project 17 has two overflow locations; the first location is west of MN Highway 9 into Polk County Ditch 9 (Section 29, Russia Township) and the second location is located upstream of Polk County Ditch 90 (Section 32, Russia Township). The survey indicated that both locations are low as compared to the as-built survey. The Ditch 9 overflow is approximately 0.5' to 1.0' low on average, and the Ditch 90 overflow is approximately 1.0' low on average. Project 20 has two additional overflow locations; the first location is west of MN Highway 9 into Polk County Ditch 46 (Section 5, Reis Township) and the second location is east of MN Highway 9 into Polk County Ditch 73 (Section 9, Reis Township). The survey indicated that the overflows are at or slightly above the design elevations.

The Board discussed the results of the overflow survey. Manager Andringa felt that the overflows as designed will not alleviate pressure further downstream on Project 17 and felt that an additional outlet should have been considered as part of the initial plan. Because Project 17 is an established Legal Ditch System, adding an additional outlet at this time would require landowner interest to submit a petition to the Board, as the ditch authority, to begin an improvement and/or lateral. The board directed District staff to address the low overflows on Project 17 as a maintenance expense to the system.

7. ACTION ITEMS.

Employment Contract: Swenby provided an employment contract for her services. Swenby stated that she spoke with area Administrator's and she provided a version of the Wild Rice Watershed District Contract. The contract states the terms of employment and removes "at will" employment, to termination with cause, for both parties, and a 30 day notice for both parties. Swenby has asked the board to consider this. She feels that water is a contentious subject, and would like to know that she is protected against any disagreements that may come in the future. Boards come and go, and she would like to be able to perform her job duties with out the fear of being terminated when disagreements happen. She is thankful that this isn't the case, and clarified that she doesn't feel threatened by this circumstance now, but has seen it happen to others, and wants to put measures in to secure a fair and honest employment.

Swenby has not had the district attorney review the document, as she stated that she wanted to receive permission to incur such legal fees. The managers all agreed that district attorney should review the document before it is considered, to ensure that this is in the interest of the district.

A **Motion** was made by Manager Brekke to ask for a legal review of the document, asking for suggested language that is fair to both parties but serves the interest of the district, **Seconded** by Manager Engelstad. **The Motion was carried.**

Union Lake Pumping – Amended Easement: Swenby provided an easement that extends the easement area along the channel between Lake Sarah and Union Lake. Another 30' or .54 acres was added to the existing easement. The landowner was paid \$2,500 for the first 26', so the payment for this does not include the area that was already paid at the project origination. Using the rate per acre of what was recently paid for an easement by Doyle's property (about \$1,700 per acre), the suggested payment is \$910 for the additional acreage.

A **Motion** was made by Manager Engelstad to approve the amended easement and pay the recommended \$910 for the additional easement acreage, **Seconded** by Manager Brekke. **The Motion was carried.**

District Audit: The audit is completed and was provided to the managers.

A **Motion** was made by Manager Bartz to approve the audit report for 2022, **Seconded** by Manager Andringa. **The Motion was carried.**

Ditch 9 Sough: Relating to the discussion in the Administrator report regarding the expenditures for the repair on Ditch 9, Swenby asked for a motion/second for which fund to for the expenses.

A **Motion** was made by Manager Brekke to expend Ditch 9 for the expenses, **Seconded** by Manager Engelstad. **The Motion was carried.** Manager Andringa voted nae.

Project 12 – Section 9 Vineland: A landowner has suggested that there should be culvert traps along Project # 12 to prevent flows from moving west. Herrmann presented a map of the area. Herrmann recommends the installation of flapgates on culverts at the location indicated by the landowner, pending a site visit. This will ensure that flows stay in the Project 12 system and do not break out to the west.

A **Motion** was made by Manager Brekke to install flapgates along Project 12 as recommended by the district engineer, **Seconded** by Manager Engelstad. **The Motion was carried.**

8. OTHER BUSINESS & PARTNERING INFORMATION

The managers were given information from Mn Watersheds, the FDRWG and the FDRWG Communications Committee that Swenby participates in, and the MN Association of Drainage Inspectors.

9. PERMITS:

The following permits were presented to the board:

- Permit 23-030 – Melissa Boll, Section 29 – Knute Township, replace open ditch with pipe

This is a part of Project #27. Boll states that Dan agreed to pay for all permitting, however the permitting that was applied for in 2019 has since expired. Staff recommends approval, with contingencies for permits and specifications to meet the MnDNR requirements and

project designs. Staff also recommends HEI coordination at the time of construction to ensure that installation meets the specifications. The landowner is responsible for all permitting and costs for installation, but not for the oversight. A draft letter highlighting the conditions is attached. Manager Engelstad suggested that the plans offer a solution for liability for swimmers near the end of the culvert during high water.

- Permit 23-031 – Gary Ebel, Section 30 – Vineland Township, replace culverts

Recommended approval, after HEI can properly culvert size. A site visit is necessary for this permit and he will stop on his way home today.

- Permit 23-032- Polk County Highway Department – Section 23/24 - Sletten, Reduce culvert size to bring back to original design.

Approval with legal contingencies for that the County attorney provides confirmation that proposed work is consistent, as nearly practicable, with the same hydraulic capacity of the system, capacity as originally construction and subsequently improved.

A **Motion** was made by Manager Brekke approve Permits 23-030 through permit 23-032 (with noted contingencies), **Seconded** by Manager Bartz. **The Motion was carried.**

10. ADJOURNMENT:

The next regular meeting will be held Thursday, August 3, 2023, 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 12:23 PM, **Seconded** by Manager Engelstad. **The Motion was carried.**

Donna Bjerk, Administrative Assistant

Shawn Brekke, Secretary