TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: OCTOBER 8, 2026

1. ATTENDANCE:

Chairman Stuart Christian called the October 8, 2026, meeting to order at 8:00 AM at the District Office. Other managers attending were Clayton Bartz, Todd Peterson, Don Andringa and Shawn Brekke. Staff members present included April Swenby – Administrator and Donna Bjerk – Administrative Assistant. Others in attendance via remote technology included Zach Herrmann - Houston Engineering and John Kolb – Rinke-Noonan.

2. APPROVAL OF THE AGENDA:

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

3. MINUTES:

Typographical errors were corrected. A **Motion** was made by Manager Bartz to approve minutes for the regular board of managers meeting on September 3, 2026, **Seconded** by Manager Peterson. **The Motion was carried.**

4. FINANCIAL REPORT:

A **Motion** was made by Manager Andringa to approve the September treasurer's reports as presented, Seconded by Manger Peterson. **The Motion was carried**.

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

City of Fertile	170.33
Fertile Hardware Hank	4.29
Fertile Journal	127.50
First Community Credit Union	749.71
Garden Valley Telephone Company	150.45
H2Over Viewers	23,464.32
Heier Township	1,625.00
Houston Engineering	42,150.39
Larson Helicopters	11,090.60
Otter Tail Power Company	255.31
Rinke-Noonan	238.00
TOTAL	**80,025.90**

A **Motion** was made by Manager Peterson to approve and pay the bills to be paid with a total of $80,025.90 **Seconded** by Manager Andringa. **The Motion was carried.**

3. PROJECT # 27:

Mr. Kolb also addressed a separate matter involving an omitted parcel from the Project No. 27 benefits roll. He explained that one shoreline property had inadvertently been excluded from the assessment process. To correct the error, he advised the Board that:

- The omitted property owner must receive individual notice.
- A hearing must be held specifically for that property owner.
- The Board may then incorporate the parcel into the existing benefits roll following the hearing.
- Other property owners do not need to be re-noticed because the addition would not negatively affect their assessments.

A **Motion** was made by Manager Andringa to reopen the Project 27 Benefits Determination Proceedings for the purpose of correcting an omitted property error (# 45.00303.00), directing notice and setting a hearing for November 5, 2026, at 8:30 AM., **Seconded** by Manager Brekke. **The Motion was carried.**

During the meeting, District Attorney John Kolb provided extensive legal guidance regarding the Board's responsibilities and options concerning the proposed Project No. 27 pump retrofit. He explained that the Board's primary responsibility is to determine whether the project remains necessary and whether the watershed district intends to maintain the ability to operate the pumping system when future high-water conditions occur.

Mr. Kolb advised that watershed district statutes require managers to maintain district projects so they continue serving their original purpose. While the proposed installation of filtration equipment may appear to be an improvement project, he characterized it as a form of maintenance because it would allow the existing pumping system to function in compliance with current state regulations. He cautioned that if the Board elects not to move forward with the retrofit, it must recognize that the project may no longer be capable of fulfilling its intended purpose.

He further explained that if future high-water events occur and the pumps cannot legally operate, the district could face criticism or legal challenges from affected property owners. He noted the possibility of state agencies being unwilling to issue emergency approvals in the future because the district has already been presented with an opportunity, along with state funding assistance, to make the necessary upgrades.

Mr. Kolb stated that if the Board chooses not to proceed, the district may eventually consider formally abandoning Project No. 27. The abandonment process would include notice requirements, findings by the Board, and appeal rights for affected parties. He emphasized that if the Board determines that the project is no longer economically feasible or necessary, the decision must be fully documented with appropriate findings to protect the district from future liability claims should flooding occur.

In response to questions regarding whether the project could be deemed unnecessary, Mr. Kolb referenced the recently adopted benefits determination, which identified more than $4 million in protected benefits associated with the project. He observed that spending approximately $750,000 in local funding to protect over $4 million in benefits would generally satisfy the legal and practical standard that project benefits outweigh costs. He advised that this finding would likely be a significant factor if the district attempted to justify discontinuing the project

Mr. Kolb reviewed the financial considerations of the proposed retrofit project. He noted that the engineer's preliminary estimate is approximately $1.5 million, though that figure remains subject to refinement through design and bidding. Because the state grant would fund approximately half the cost, the remaining local share is estimated at roughly $750,000. He recognized that available matching-fund options appear limited, making it highly likely that the district would need to assess property owners within the Project No. 27 benefited area for the local share.

Mr. Kolb advised the Board that acceptance of the state grant does not obligate the district to ultimately construct the project. He stated that the Board could accept the grant, preserve the funding opportunity, and continue evaluating the project while engineering, permitting, and planning activities proceed.

He recommended that the district pursue discussions with grant administrators regarding the possibility of a phased approach to project implementation. He further advised that no grant-reimbursable expenses should be incurred until the grant agreement has been formally executed.

Mr. Kolb suggested that the district's engineer prepare a comprehensive work plan outlining project development activities from planning and permitting through design, bidding, and construction. He recommended submitting that work plan to the grant administrator for review before finalizing the grant agreement to maximize reimbursement eligibility.

Mr. Kolb reviewed the statutory process required for a project of this nature. He advised that because the retrofit exceeds ordinary maintenance, the district should proceed under Minnesota Statute 103D.635 regarding repairs and improvements beyond routine maintenance. Under that process:

- The Board must authorize preparation of a technical and cost report.
- The engineer must prepare plans, specifications, and estimates.
- A public hearing must be held for benefited property owners.
- Following the hearing, the Board may proceed with project assessments and bidding.

He recommended the following sequence:

1. Develop a project work plan.
2. Execute the grant agreement.
3. Initiate statutory proceedings under Minnesota Statute 103D.635.
4. Complete engineering, permitting, and cost analysis.
5. Conduct the required public hearing before final project authorization

Mr. Kolb also raised operational considerations regarding the filtration system. He noted that because the pump station may not operate for several years between high-water events, the Board should carefully evaluate long-term maintenance requirements in the operating plan. He stressed the importance of ensuring that the system remains functional when needed. Areas to consider included:

- Filter storage and winterization procedures.
- Potential deterioration of equipment during inactive periods.
- Availability of replacement components.
- Whether spare parts should be purchased as part of the project.
- Development of an operations and maintenance plan.

A **Motion** was made by Manager Andringa to authorize Zach Herrmann and the engineering team to prepare a draft work plan and coordinate with staff to review with the DNR and grant administrators. Additionally, upon favorable review of the work plan, authorization was given for execution of the grant agreement to allow planning and reimbursement-eligible work to proceed, **Seconded** by Manager Peterson. The **Motion was carried.**

Mr. Kolb emphasized that simply doing nothing could expose the district to future liability and statutory compliance concerns. His recommendation was to continue moving through the planning, grant, engineering, and hearing process so the Board can make an informed decision based on complete technical, financial, and legal information. Staff and managers set a goal for November to take action to either proceed with retrofitting the pumping system to maintain its legal and operational purpose or begin a formal process to abandon the project.

5. ADMINISTRATOR REPORT:

FEMA 2022 Damages Update: HSEM asked for some minor revisions. Herrmann will make revisions now that he's back from vacation. Swenby learned that the request for reimbursement of the expended funds ($100K) cannot be paid out until the Project is obligated by FEMA. It is imperative that we get a mitigation plan approved and move forward to obligation by FEMA.

Website: Swenby provided the format that was decided upon along with the color choices and branding. Swenby is still waiting to hear from HEI about the assessed areas and how those can be reflected in other ways other than PDF's.

Clean Water Council: Swenby attended the September 28 Clean Water Council Meeting. WBIF funds were increased.

Ditch Maintenance Updates: Landowners were notified of upcoming maintenance. The contractor provided cost estimates for change orders. After Herrmann's review, Swenby approved to proceed forward. Maintenance on all items is in progress.

Project #27: Swenby has been working heavily on the assessments for Project 27 and is learning how to correctly submit assessments for 2027 using the new benefit area and processes put into place. She has met with Ringquist twice. This has taken a significant amount of time, and there is still risk of human error and is

not friendly for administrative changes. Swenby is working on a more simplified process that alleviates some of her concerns.

Personnel Committee: Swenby will be calling a personnel committee meeting in October to evaluate insurance changes. Prices have increased to a level that the personnel committee should evaluate. Managers were emailed employee evaluation forms and were asked to submit them in time for the committee meeting.

Watershed Board Manager Criteria: Last month the board discussed with Polk County Commissioner Paul Reese, a recommended set of criteria for manager selection highlighting current needs of the district. For discussion purposes only, and to use as a building block Swenby developed an outline that is based on comments she has received from board managers, county commissioners, and Advisory board members for items. Swenby would like to have something for this year's meeting that the County board and the Advisory Board can consider when they are making recommendations and appointments. The board reviewed the draft and suggested presenting this to the chairman of the Advisory Committee.

6. ENGINEER'S REPORT

2026 Construction Maintenance items: Herrmann met onsite with the contractor for maintenance items on MN 102 Boundary revisions, Project 12, Project #17 overflows, Project #20 overflows, Project #20 culvert and spot cleanings, SH Ditch culvert rip rap repair and Project #119 cleaning. Staking was completed on all maintenance project areas where applicable for the contractor.

Project # 5 Outlet Stabilization: Herrmann expects to present findings and a preliminary plan in November to the board.

Bear Park: Channel survey were scheduled as conditions allowed. Low water and dense vegetation have impacted our ability to complete surveys in certain reaches. Herrmann is hopeful that the project team will be able to meet in November and a LSOHC application can be applied for as scheduled.

SH River Storage Solutions: HEI team met with Mn DNR. Discussions continue on Mn DNR expectations.

Texas crossing: The board agreed to a 1/3 cost share. Estimates are roughly 100 cubic yards.

7. ACTION ITEMS.

LOMA Requests: A **Motion** was made by Manager Brekke to approve two LOMA requests: Trevor Monson and Tina Holtman, **Seconded** by Manager Andringa. **The Motion was carried.**

Internal Expenditure Policy: Swenby and Bartz met to review the draft internal expenditure policy. The district attorney has provided his recommendations. **A Motion** was made by Manager Brekke to approve a new policy for internal administrative expenditures, **Seconded** by Manager Andringa. **The Motion was carried.**

8. OTHER BUSINESS

The managers received information from the Drainage Work Group and the Flood Damage Reduction Work Group.

Manager Andringa reported on a Mn Watersheds meeting where he serves at the legislative liaison between Region 1 and Mn Watersheds. Manager Andringa updated the board on the proposed legislative priorities, including chloride policies, stormwater reuse, AIS mitigation vs education, and Mn DNR permitting.

9. PERMITS:

No permits were presented to the board for review.

A joint letter from Mn DNR, Polk County and SHRWD was given to the managers. This letter was developed by DNR, Polk County and the Sand Hill River Watershed and went in the mail 9/22/26 to the property owners around Bradley Lake. There has been an ongoing plugging of the culvert under CSAH 34.

10. **ADJOURNMENT**:

The next regular meeting will be held November 5, 2026, 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 10:03 AM, **Seconded** by Manager Brekke. **The Motion was carried.**

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Donna Bjerk, Administrative Assistant Shawn Brekke, Secretary