

SAND HILL RIVER WATERSHED DISTRICT

January 5, 2016

1. **Attendance:** Chairman Stuart Christian called the January 5, 2016 meeting to order at 8:00 AM at the District Office. Other managers present were Scott Balstad, Bill Brekke, Roger Hanson and Phillip Swenson. Two staff members were present: Daniel Wilkens – Administrator and April Swenby – Administrative Assistant. Others in attendance were Joyce Downs and Bill Downs – Landowners, and Jeff Langan- Houston Engineering. Ditch 80 landowners in attendance for the informational meeting were Paul Engelstad, David Johnstad, Brent Gullekson, Brian Gullekson, Larry Ricard, and Emily Hutchins -MN DNR.
2. **Approval of the Agenda:** A **Motion** was made by Manager Hanson to approve the agenda with the addition of the reorganization of the Board, **Seconded** by Manager Brekke, **Carried**.
3. **Minutes:** A **Motion** was made by Manager Hanson to approve the minutes from December 1, 2015 meeting, **Seconded** by Manager Brekke, **Carried**.
4. **Treasurer's Report:** A **Motion** was made by Manager Brekke to approve the treasurer's report for December, **Seconded** by Manager Hanson, **Carried**.

The managers reviewed their expense reports and reported on activities for the month. A **Motion** was made by Manager Balstad to approve and pay bills, with the exception of the SWCD balances which are listed for informational purposes only, **Seconded** by Manager Brekke, **Carried**. For further reference, copies of the bills approved are attached hereto in the Treasurer's Report.

5. Engineer's Report

Climax Ring Dike Phase I: Langan stated that Houston Engineering still continues to work on the defective work repairs such as:

1. Sanitary Sewer Manhole – Joint leaking at one installation
2. Cable hanger installation in lift stations
3. Establishment of lawn seeding that did not grow satisfactorily. This will be reseeded in the spring. Retainage will be held until then.
4. Static noise issue continues at SW lift station when pumps are running. More time is allowed to fix this issue and an adequate retainage will be withheld until a plan to resolve or repair the work is complete.
5. A \$500 change order for replacement of a gate valve box which was not salvageable has been approved by the engineer. An additional \$500 change order for additional gravel along City Street in NE part of city has been approved by the engineer. These change orders will not be processed until defective work is complete.

Langan asked that the managers expect two upcoming change orders in the future. About \$80,000 retainage is being withheld and Langan would prefer to wait on payment until the defective work repairs are handled.

Climax Ring Dike Phase II: Ninety percent of the construction plans are complete. Langan intends to complete the project work by the end of 2016 possibly final touchup work in early 2017.

Manager Balstad asked about the easements needed for the project and the managers discussed the possibility of not being able to obtain easements. Langan assured the managers that the City will still be protected and provisions would be put in place for non-supporting landowners.

Fish Passage Rock Riffles: The MN DNR Public Waters Permit requires \$1,000 fee to process the

permit. The fee is reimbursable through the BWSR Clean Water Fund grant. Wilkens is waiting for DNR response regarding the \$1,000 permit fee and the possibility of vacating the \$1,000 fee. The managers have left the permit fee payable at the discretion of the administrator.

Project # 24: Houston Engineering contacted Spokely's about the water discharges. Approximately 3.3 million gallons are anticipated to be discharged between November and April. This requires approximately 0.8 feet of storage. The structure will be designed to provide two feet of storage. The proposed structure will have one stop log bay and will be constructed of sheet pile. A plan sheet was given to the managers. The sheet pile will be placed this fall, rock and excavated material would be used to construct a temporary 2 ft. high ditch plug. Stop logs would be installed when available from the manufacturer, berm removal, and final rock placement when conditions permit. Tim Crompton Excavating was on site and installed the sheet pile, riprap, and temporary water control berm in November. The project is waiting on shop drawings from Tim Crompton for the aluminum stop logs.

BWSR Clean Water Fund Grant Opportunities: We were not selected for a BWSR Clean Water Fund grant in regards to the Carlson Coulee.

We were unsuccessful in the BWSR Multipurpose Drainage Management grant receipt for PC Ditch 122.

The application period will tentatively be opened on February 8, 2016 and close March 18 for the Targeted Watershed Demonstration Program. Langan recommended applying for the Upper Sand Hill Watershed in cooperation with East Polk SWCD. The Carlson Coulee would also be included in this application. Houston Engineering also plans to update the application with the TMDL. Wilkens and Herrmann will meet with the SWCD next week.

TMDL: WRAPS cannot be reviewed until the TMDL is completed. We are still waiting on comments from managers and supervisors at PCA before we can submit the final to the EPA. Carey Hernandez submitted a contract revision for board signature. The amended contract was signed by Chairman Christian. Swenby will forward the contract to Hernandez.

DFIRM Panels: Landowners in the area are required to purchase flood insurance until the new maps are final. A LOMA could be completed ahead of time for the landowners. Using the preliminary maps to justify the removal from the flood plain in the LOMA. MN allows for LiDAR to be used to justify elevations. If the LiDAR survey is accepted and all three landowners are completed at the same time, LOMAs could be completed for \$3,000. If LiDAR was not accepted, then the field survey would add another \$2,000.

Manager Balstad asked if we have ever paid for landowners in the past and questioned whether it should be the landowner's responsibility or the responsibility of the SHRWD. Manager Swenson questioned that perhaps it should be the landowner's responsibility, and that it is the benefit of the landowner. Langan reminded the managers that in the past we have supported landowner ring dikes to get people out of the flood plain.

A **Motion** was made by Manager Balstad to authorize spending \$3,000 towards the LOMA, and if additional money is needed it will be at the landowner expense, **Seconded** by Manager Swenson, **Carried.**

Project # 17: The landowners installed a rock drop structure at the outlet of Maple Creek as the water goes into project # 17. Houston Engineering and Wilkens assisted the contractors in the

placement and the geometry of the rock drop. The rock drop top elevation was set to 895.0 to match the grade line required by the MN DNR and side slopes were set to 4:1 within the Project # 17 ROW. Stephanie Klamm would like the top of the Rock Drop elevation verified by our engineer.

6. Dan's Monthly Report

RRWMB: The RRWMB met in Roseau in December. Meeting highlights were given to the managers. Swenby and Manager Hanson attended the meeting.

The managers questioned what is paid to the RRWMB on behalf of the Sand Hill landowners. The managers discussed the benefit that the RRWMB provides to the Sand Hill and they questioned the stewardship of the RRWMB. Manager Hanson indicated that the RRWMB has recently hired a PR consultant (AE2S) for \$32,000 not to exceed \$36,000 and is only hired to provide newsletters, attend six RRWMB meetings, and support the March Conference and press releases in relation to the conference. He stated that the firm submitted a proposal that was based off a plan that was already done and offered strategies to implement a previous plan; much of the strategies were at the responsibility of the RRWMB, and not AE2S. Manager Hanson and Manager Brekke questioned whether or not the Sand Hill should be involved in the RRWMB financially, as their actions show financial question.

It was indicated by many attendees at the November RRWMB meeting that when questioned why one firm was selected over the other, Naomi Goral – Administrator, stated that one firm (Swenby) only had two 2-year degrees and not an official 4 year degree. Goral said publicly and wrote it in unapproved, draft minutes that Swenby was only interviewed as a favor to Wilkens. It was strongly urged that whoever offered Wilkens a favor should step down as an appointed official and the Sand Hill River Watershed District would like to see that member held accountable. Wilkens stated that he absolutely did not ask for any favors and in fact asked to be removed from the committee due to conflict of interest. He was asked to remain on the committee by several members.

The RRWMB has hired a firm whose initial bid was significantly higher than the Sand Hill River Watershed estimate subbing out Swenby. The RRWMB offered AE2S the position and cut out tasks in their initial proposal in an effort to lower their estimate. Swenby was never asked to cut out tasks from her initial proposal, but would have gladly done so and would have been able to save the RRWMB a significant amount of money. The work approved for contract by AE2S was not a complete public information communications position and provides no local support to the districts, no social media, no new ideas, and no monthly communications to stakeholders and taxpayers.

Manager Balstad asked why their Administrator isn't doing the four newsletters and prepping for the conference as it seems that is what AE2S is being hired to do. Balstad was assured that Goral used to do that work, completing the News and Views newsletter for years and managing the March Conference and has really done a great job. Balstad questioned whether or not the RRWMB is hiring someone to do the administrator's job.

The managers asked that Wilkens report to the RRWMB their concerns and tell them that the Sand Hill River Watershed questions their support of the RRWMB, reminding them of their responsibility to be accountable for tax payer dollars and stewardship.

RRBC Commission: The RRBC Commission Conference is scheduled for January 19-21 at the Alerus Center. Swenby, Hanson, Swenson and Wilkens will attend. Agendas for the conference were given to the managers.

IRRB: The next IRRB meeting will be held on Thursday and Friday, January 21 and 22 at the Alerus Center.

Maple Creek Project: Dave Johnstad, Elliot Solheim, and Mike Skaug are applying for a permit to clean Maple Creek. The surveying is complete. The COE has inspected and they are waiting for the permit to be issued. The permit was expected to be issued in Late-November but was not issued as of yesterday. Outlet rip rap structure is complete. The DNR wants Houston Engineering to verify outlet elevation.

DWG: The next meeting is January 14th in Eagan.

Project 20: Heavy rains overtop road along west side of Liberty Wildlife. Road needs raising. No request from the township has come forward.

LID: The district has a 6" plastic pipe on hand and a contractor lined up to get the pipe for the gauge installed.

Rules and Regulations: The district is waiting on boundary watersheds. Red Lake held their hearing.

Maple Creek Improvement: Dave Johnstad, Elliot Solheim, and Mike Skaug are applying for a permit to clean Maple Creek. The surveying is complete. The COE has inspected and they are waiting for the permit to be issued.

Erosion site at Nature Center: The East Polk SWCD is planning to prepare another request to Enbridge by the end of the month. The DNR thinks that the site is healing itself and has not applied to the Lessard-Sams this round. The EPSWCD and WD will meet next week to prepare application.

Vesledahl Project: Manager Balstad asked Wilkens to talk to Dave Weirens, BWSR, about approval to use the money in the fund for establishing a legal ditch. Manager Balstad held a personal conversations with Weirens at MAWD in which he stated that he was granting permission to use the funds. Wilkens stated that during his conversations, authorization had not been granted and Weirens was ultimately confused regarding the project.

MAWD: Manager Hanson said that a large percentage of the time was spent on filter strips.

Christmas Party Date: January 8th at 5:30 pm at the Smokehouse.

Ditch 9 and Ditch 118: A Motion was made by Manager Balstad authorizing Wilkens to arrange informational meetings for these ditches regarding redetermination of benefits and buffer requirements, Seconded by Manager Swenson, Carried.

7. Other Business:

Public Relations: The managers reviewed possible public relations items. No new information was brought before the board.

Employee of the Year: Wilkens was granted the Employee of the Year award by BWSR. The board congratulated Wilkens on his award.

Beaver Trapping: Manager Brekke stated that there is a beaver problem by Art Vraa.

Ditch # 80 Informational Meeting (10:30 AM): Wilkens presented a rough cost proposal to the landowners present to bring the project to the preliminary hearing and the final hearing stage. The estimate was \$29,600 to get to the preliminary hearing and an additional \$18,000 to get to the final hearing.

Wilkens explained the process. First the landowners need to prepare a petition with the assistance of an attorney. The law says that at a minimum, 26% of the landowners over which the ditch passes is needed to sign the petitions. The district suggest that they try to get as many as possible to sign the petition. The landowners then need to get a bond to cover the above expenses and when the project goes through, the landowner would get reimbursed for the petition costs and the bond costs.

After the petition and bond are presented to the board, the board will proceed with having the engineer survey the ditch and come up with cost estimates and draft design to present at the preliminary hearing. After the preliminary hearing if the project appears to be feasible, viewers are appointed to develop benefits and damages along with the area that drains into this system. This information is then presented at the final hearing. The board then makes a decision to go forward or not. If the decision is to go forward the board orders the project in. Bids are let and the project is constructed.

Engelstad asked who pays for the initial costs if the project doesn't go through. Wilkens explained that it would be the responsibility of the bond holders.

Employee Evaluations: Wilkens explained to the managers the three pieces of a payroll: wage comparisons, merit, and cost of living. Wilkens distributed wage comparisons from the local watersheds and other entities with like positions.

Admin profit and loss statements for the past four years were given to the managers.

The managers reviewed the administrator's current salary, benefit package, and other agency compensations and Swenby's wages. A **Motion** was made by Manager Balstad to increase Wilkens and Swenby's base salary by 3%, **Seconded** by Manager Brekke, **Carried**.

Health Benefit Package: Wilkens provided health benefit package comparisons from the local watersheds and other entities with like positions. A **Motion** was made by Manager Hanson to increase the health benefit package by \$100 per month, **Seconded** by Manager Swenson, **Carried**.

Reorganization of board:

Annual reorganization of the Board was conducted. Chairman Christian turned the meeting over to Manager Balstad who asked for nominations for **Chairman of the Board**. Vice-Chairman Brekke nominated Manager Christian for President. Nominations were called for three times by Scott Balstad. No further nominations were made. **Motion** to cease nominations and have the Secretary cast a unanimous ballot for Stuart Christian for Chairman by Manager Brekke, **Seconded** by Manager Swenson, **Carried**. Manager Balstad returned the chair to Chairman Christian.

Chairman Christian asked for nominations for **Vice Chairman** of the Board. Manager Hanson nominated Manager Balstad for Vice Chairman. Nominations were called for three times by Chairman Christian. No further nominations were made. **Motion** to cease nominations and have the Secretary cast a unanimous ballot for Scott Balstad for Vice Chairman by Manager Swenson, **Seconded** by Manager Brekke, **Carried**.

Chairman Christian asked for nominations for **Secretary of the Board**. Manager Balstad nominated Manager Brekke for Secretary. Nominations were called for three times by Chairman Christian. No further nominations were made. **Motion** to cease nominations and have the Secretary cast a unanimous ballot for Bill Brekke for Secretary by Manager Balstad, **Seconded** by Manager Swenson, **Carried**.

Chairman Christian asked for nominations for **Treasurer** of the Board. Manager Hanson nominated Manager Swenson for Treasurer. Nominations were called for three times by Chairman Christian. No further nominations were made. **Motion** to cease nominations and have the Secretary cast a unanimous ballot for Phillip Swenson for Treasurer by Manager Brekke, **Seconded** by Manager Balstad, **Carried**.

Manager Swenson made a **Motion** for the following: That the Fertile Journal is designated as the official newspaper of the SHRWD. That the following financial institutions be designated as official depositories for SHRWD funds: Red River State Bank of Fertile, Agassiz Federal Credit Union, Crookston National Bank, Citizens State Bank of Roseau, The Ada National Bank, Prime Security State Bank, Unity Bank, American State Bank, Ultima Bank, Red River State Bank, and Argyle State Bank. That the District's consulting engineering firm is Houston Engineering, PO Box 5054, Fargo, ND. That the attorney for the District is David Hauff, Firm of Anderson and Bottrell, PO Box 10247, Fargo, ND. That mileage for District business is reimbursable at a per mile rate coinciding with the allowable IRS mileage rate. That manager per diem is set at \$25 per hour with a maximum daily total of \$75.00 as prescribed by State law. **Seconded** by Manager Balstad, **Carried**.

8. **Permits:** One new permit was brought before the board. A **Motion** was made by Manager Balstad to approve the following permit, **Seconded** by Manager Hanson, **Carried**.

2016-01 Norman County — Bear Park Twp., Section 9 - Bridge replacement

9. **Adjournment:** The next regular meeting will be held at 8 AM on February 2, 2016. As there was no further business to come before the board, a **Motion** was made by Manager Brekke to adjourn the meeting at 12:20 PM, **Seconded** by Manager Hanson, **Carried**.

April Swenby, Administrative Assistant

Bill Brekke, Secretary