

# SAND HILL RIVER WATERSHED DISTRICT

May 1, 2018

1. **Attendance:** Chairman Stuart Christian called May 2, 2018 to meeting to order at 8:04 AM at the District Office. Other managers present were Clayton Bartz, JJ Hamre, and Roger Hanson. Managers absent include Dan Vesledahl. Two staff members were present: Daniel Wilkens – Administrator and April Swenby – Administrative Assistant. Others in attendance include Rachel Klein, East Polk SWCD, Sarah Mielke - East Polk SWCD, Keith Weston – NRCS, Floyd Balstad, Landowner, Joyce Downs – Landowner, Bill Downs- Landowner, and Zach Herrmann – Houston Engineering.
2. **Approval of the Agenda:** A **Motion** was made by Manager Hanson to approve the agenda as presented, **Seconded** by Manager Hamre, **Carried**.
3. **Minutes:** A **Motion** was made by Manager Hamre to approve the minutes from the April 3, 2018 meeting, **Seconded** by Manager Bartz, **Carried**.
4. **Treasurer's Report:** A **Motion** was made by Manager Hanson to approve the treasurer's report for April, **Seconded** by Manager Hamre, **Carried**.

The managers reviewed their expense reports and reported on activities for the month. The following bills were reviewed. A **Motion** was made by Manager Hanson, to approve and pay the following bills, **Seconded** by Manager Bartz, **Carried**.

Anderson, Bottrell, Sanden & Thompson	2,450.67
City of Fertile	39.00
Dave Arends	9,030.00
Fertile Hardware Hank	7.15
Garden Valley Telephone Company	235.51
Houston Engineering	19,134.75
Marco - Lease Company	218.15
Office Supplies Plus	43.19
Otter Tail Power Company	438.69
Red River Insurance	2,389.89
Todd's Landscaping	90.00
VISA Credit	1,381.61
Wild Rice Electric	122.13
<b>TOTAL</b>	<b><u>35,130.39</u></b>

## 5. Engineer's Report

Climax Ring Dike: L2 Contracting finished up additional ditch work north of Highway 220 in December 2017. Seeding is scheduled for this week (May 7) weather permitting. The district is retaining \$1,000 until seeding is completed.

The construction permanent easements and restricted use permanent easements that have been signed and have been recorded. The declarations will be finished and sent off for recording by the end of the week.

Limited use easements are nearly complete (80% complete). The remaining 20% will not be completed. They will be subject to the City ordinance that will limit property owner's use below the 100-year flood plain elevation established through the project.

Fish Passage Kittleson Creek Outlet: The final design is underway. The in-place 66" diameter RCP

is proposed to be replaced with a 12'x 6' reinforced concrete box culvert.

Herrmann is currently reviewing available funds with MnDNR and West Polk SWCD to determine what's available and what qualifies.

One Watershed/One Plan: West Polk SWCD would like to wait one more application cycle because of a busy workload due to buffers.

Carlson Coulee: Herrmann is currently working with the MnDNR on their requirements for the public waters permit. Herrmann anticipates being able to meet with landowners after coordination with the MnDNR.

Upper Sand Hill Detention Sites (RCPP): Hydraulic modeling of the Sand Hill ditch will be used to reinforce the Purpose and Need for the project. Hydraulic modeling work will begin now that field survey has been completed. Houston Engineering will use the survey data from the Sand Hill Fish Passage and Grade Stabilization project as leverage against the RCPP grant requirements. Modeling is nearly completed. Herrmann is hoping for a project team meeting in June.

Project #5: Viewing work is nearly complete. Herrmann presented a draft map of the assessed area. Three benefit zones are likely to be proposed. When the viewers report is complete, a hearing date can be set.

Ditch Inspections: Swenby, Wilkens and Herrmann will do ditch inspections sometime this month.

## 6. **Ditch #80 Preliminary Hearing:**

The regular meeting of the Sand Hill Watershed District was recessed at 9 AM by Chairman Christian.

The managers reconvened the preliminary hearing of Polk County Ditch #80 at 9 AM.

Minor changes to the minutes were presented and a new copy of the minutes was presented. A **Motion** was made by Manager Hanson to approve the minutes from the April 23, 2018 preliminary hearing, **Seconded** by Manager Bartz, **Carried**.

A **Motion** was made by Manager Hamre to accept the Power Point presented as a reference to the Ditch #80 proceedings, **Seconded** by Manager Hanson, **Carried**.

The Sand Hill River Watershed District Board of Managers, sitting as the drainage authority for Polk County Ditch No. 80, having received a Petition to Improve and Establish Laterals to Polk County Ditch No. 80 pursuant to Minnesota Statutes, section 103E.215 and 103E.225 by the petitioners, representing at least 26% of the property area that the proposed improvement passes over, having noticed and conducted a public hearing on the preliminary survey report, and based on the record and proceedings, A **Motion** was made by Manager Clayton Bartz, and **Seconded** by Manager JJ Hamre to adopt the following Findings and Order:

**Findings:**

1. A Petition and bond was received by the Secretary of the Sand Hill River Watershed District requesting to Improve and Establish Laterals to Polk County Ditch No. 80, located in Sections 25, 26, 27, and 36, Township 148N, Range 46W, Russia Township, Polk County, Minnesota, and Section 30, Township 148N, Range 45W, Onstad Township, Polk County, Minnesota, pursuant to Minn. Stat. § 103E.215 and Minn. Stat. § 103E.225. The Petition for the project was reviewed and determined to be legal in conformity with Minn. Stat. § 103E.215 and Minn. Stat. § 103E.225.
2. The drainage authority accepted the Petition. The drainage authority also appointed Zachary Herrmann of Houston Engineering, Inc. to make a preliminary survey pursuant to Minn. Stat. § 103E.245.
3. Engineer Zachary Herrmann filed a preliminary survey report with the drainage authority on March 22, 2018. A copy of the preliminary survey report was mailed to the Director of the Division of Ecological and Water Resources in the Department of Natural Resources on March 23, 2018.
4. The drainage authority, by order, set a public hearing for review of the engineer's preliminary survey report on April 3, 2018 and directed the Secretary to provide at least 10 days notice, by mail, of the time and location of the hearing to the petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
5. Notice of the public hearing was properly provided as required by law.
6. At the public hearing, the engineer presented the preliminary survey report. The details of the engineer's presentation are set forth in the minutes of the public hearing, a copy of which is attached to this Order. The details are supported by a Power Point Presentation that was used at the public hearing and submitted to the Board.
7. The Minnesota Department of Natural Resources commissioner's advisory report on the preliminary plan was publicly read and included in the record of proceedings.
8. The Minnesota Board of Soil and Water Resources advisory report on the preliminary plan was publicly read and included in the record of proceedings.
9. During the public hearing portion of the proceedings, individuals appeared and provided comment as set forth in the minutes of the public hearing, a copy of which is attached to this Order.
10. The proposed Improvement to Polk County Ditch No. 80 project is feasible. The proposed project will reduce future maintenance and enhance agricultural production for land within the drainage area.
11. There is necessity for the proposed drainage project. Without the Improvement to Polk County Ditch No. 80, erosion and flooding of cropland will continue to occur within the project drainage area.
12. The proposed Establishment of Lateral 1 and Lateral 2 to Polk County Ditch No. 80 project is feasible. The proposed project will reduce future maintenance and enhance agricultural production for land within the drainage area.

13. There is necessity for the proposed drainage project. Without the Establishment of Lateral 1 and Lateral 2 to Polk County Ditch No. 80, erosion and flooding of cropland will continue to occur within the project drainage area.

14. The engineer has considered the environmental, land use, and multipurpose water management criteria in Minn. Stat. § 103E.015, subd. 1. This review included economic considerations, wetlands, water quality, land use, fish and wildlife resources, groundwater, alternative measures, overall environmental impact, and sources of external funding and technical assistance.

15. After consideration of the environmental, land use, and multipurpose water management criteria in Minn. Stat. § 103E.015, subd. 1, the drainage authority finds that the proposed drainage project is of public benefit and promote the public health. The Project is necessary to protect agricultural production within the area.

16. The outlet for the proposed drainage project is adequate. Polk County Ditch No. 80 outlets into Sand Hill River Watershed District Project 17 and has a design capacity in excess of the proposed Improvements to Polk County Ditch No. 80. Lateral 1 and Lateral 2 each outlet into Polk County Ditch No. 80 and has the same design capacity as the Improvements to Polk County Ditch No. 80.

#### **Order:**

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Polk County Ditch No. 80, hereby orders as follows:

- A. That the preliminary survey report is approved.
- B. The project engineer shall proceed to make a detailed survey with plans and specifications for the proposed project consistent with the findings herein and submit a detailed survey report to the drainage authority as soon as possible.
- C. After the detailed survey report is complete, the engineer shall file the detailed survey report with the secretary and the secretary shall deliver a copy of the detailed survey report to the commissioner of natural resources.
- D. Eddie Bernhardson, Edwin Johnson, and Dennis Olsen shall be appointed as viewers to determine the benefits and damages to all property affected by the proposed drainage project and make a viewers' report.
- E. Within five days of this order, the secretary shall, by order, designate the time and location for the first meeting of the viewers and issue a copy to the viewers of the secretary's order and a certified copy of this order appointing the viewers.
- F. At the first meeting and before beginning their duties, the viewers shall subscribe to an oath to faithfully perform their duties. If an appointed viewer does not qualify for any reason, the secretary shall designate another qualified person to take the disqualified viewers' place.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 3 yeas, 0 nays, 1 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
Bartz	■	□	□	□
Hamre	■	□	□	□
Hanson	■	□	□	□
Vesledahl	□	□	■	□
Christian	□	□	□	□

Upon vote, the Chair declared **the motion passed and the Findings and Order adopted, Carried**

A **Motion** was made by Manager Hanson to adjourn the Ditch #80 Preliminary Hearing at 9:15 AM, **Seconded** by Manager Hamre, **Carried.**

Chairman Christian reconvened the regular board meeting at 9:15 AM.

**7. Dan's Monthly Report**

**Calendar:** Wilkens reviewed his written calendar for April and the proposed upcoming events for May.

**RRWMB:** The RRWMB met in Thief River Falls on April 17. A strategic planning session was held after the meeting. Meeting highlights can be found on the RRWMB web-site at [www.rrwmb.org](http://www.rrwmb.org). Daniel Wilkens is planning to resign as Treasurer of the RRWMB. A **Motion** by Manager Bartz appointing Manager Vesledahl as the board alternate, and Manager Hanson to continue as our delegate, **Seconded** by Manager Hamre **Carried.**

**RRBC:** Board meeting and Retreat were held on February 28<sup>th</sup> and March 1st.

**IRRB:** Annual meeting held in Winnipeg on January 25-26<sup>th</sup>. Meeting highlights were given to the managers.

**MAWD Summer Tour:** The MAWD Summer Tour is June 20 - 22. Invitations were given to the managers. Manager Hanson will attend. The other managers in attendance will contact Swenby after they check their calendars.

**RRWMB March Annual Conference:** The RRWMB Annual Conference was held in conjunction with the RRWMB meeting in March 20, 21 and 22. Swenby, Wilkens, Manager Hanson, and Manager Vesledahl attended.

**Dave Arends/ROW:** A check was received from Davidson Trust. A check was listed on the bills to be paid for Dave Arends. Swenby will obtain the necessary tax information from Dave Arends before the check is issued.

**Vesledahl Drainage:** Wilkens has contacted MnDOT and BWSR to schedule a meeting to tour the project and look at the problem areas of concern.

**Ditch # 80:** Elliot Solheim asked if landowners would be paid for crop damage, namely corn. Solheim was told that he will be paid temporary damages for two years. Herrmann suggested sending a letter to landowners that highlights the ROW. Herrmann will help Swenby draft a letter for immediate release this week. With that information, the landowner can make the decision as to plant on this area or not.

Herrmann is hoping for fall construction.

## 8. **Other Business:**

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

**Joyce Downs/Bill Downs:** Joyce Downs asked Chairman Christian if he had a permit for the ditch that was dug out by the airport. Chairman Christian stated that the MnDNR, to the best of his knowledge, granted a permit and that was done years ago, and it wasn't by him, it was by his father who passed away. Downs left the meeting.

**East Polk Lake Monitoring Program:** Rachel Klein and Sarah Mielke - East Polk SWCD, has requested financial assistance for lake monitoring in the area – namely Kittleson Lake and Sand Hill Lake. The data on the lakes is old and there is insufficient data (the Sand Hill Lake has never been assessed. Kittleson Lake is impaired for nutrients and more data is needed. The information can be used for help with obtaining possible grants. Lab costs (SHRWD amount requested) is \$1,320 for a three-year total. East Polk will pay for staff time, transportation, and equipment. If the Sand Hill does not contribute it would be an East Polk Board decision to determine if the program will continue Herrmann agreed that for future funding, water data is a benefit for grant applications. A **Motion** was made by Manager Hamre to contribute \$1,320 up front, **Seconded** by Manager Bartz, **Carried.** East Polk SWCD will update the progress and provide data to the SHRWD.

**RCPP:** Herrmann updated Keith Weston, stating that a project team meeting is being planned for June. Herrmann stated he has not heard back on review point 1. Review point 2 is ready for submittal upon Project Team review. Weston is encouraging the board to move forward and develop a plan. The district has only spent 2% of the federal funds available so far.

Weston stated that the agreement can only be extended one year, and Weston felt that it might be premature to ask for an extension at this point. The MOU expires in 2020. Weston informed the board that extensions are not a guarantee.

Twenty-two districts signed applications and 20 were granted in the initial phases of this program. Not every plan turns into a project. Weston is confident that there will be money left over for some projects that prove a positive benefit/cost for construction.

**Bear Park:** Gerald Paulson presented a maintenance proposal to staff during mid April . At the request of Chairman Christian, Swenby typed the proposal and presented it to the board. Paulson presented additional changes to the policy. Paulson's intent for this document is to provide a written timeline for the board. Chairman Christian has asked the board to take the month to review the document with Paulson's changes for next month's discussion; asking the managers to consider the necessity of this document in comparison to the minutes which already show a record. Paulson asked the managers for their reaction to the document. Paulson noted this was a voluntary document that was created, and no bill will be issued.

Paulson asked if the Treasurer's Report is available on the web-site. Paulson would like the Treasurer's Report available on-line. Paulson noted that the same time Wilken's became Administrator, the bills became absent from the minutes. Swenby stated adding the bills to be paid is not problem and can be added to the minutes easily. The Treasurer's reports are available in house and are available for anyone to review, namely fund balances. Wilkens invites anyone to come into

the district office for review and explanation. Floyd Balstad agreed before he left the meeting that he would appreciate additional financial information recorded in the minutes.

Paulson confirmed that he makes daily expeditions to check the river and he is very satisfied. The river is flowing at a rapid rate, whereas last year at this time the river was stagnant. Paulson states that the work that has been done has made a tremendous improvement on the flow of the river. Paulson report that cattails have drifted and propose interference with the structure hole upstream of the structure. Wilkens confirmed that during ditch inspections, the cattails can be reviewed. Paulson reported that his land is currently dry. Paulson reported that he thinks that normally the river is way down within its banks and Paulson reported that he usually farms right up to the river in the past and has now had to install some buffer strips.

**Administrator Position:** The managers asked Swenby to discuss with the attorney the proper process for advertising Wilken's position.

**RRWMB Tax Levy:** Swenby and Wilkens met with Buffalo Red Watershed District. They provided many options for the Sand Hill River Watershed District to proceed forward without the RRWMB levy. Implementing 103D.905 Subd 3 in lieu of the RRWMB levy would save the SHRWD taxpayers a substantial amount of money. A **Motion** was made by Manager Bartz to approve moving forward with presenting the 103D.905 Subd 3 Tax Levy, in lieu of the RRWMB Levy to the Polk County Commissioners, **Seconded** by Manager Hanson, **Carried**.

**Fund Balance Entries:** A **Motion** was made by Manager Hanson to move the LOMA expenses from the general construction fund to the Data and Acquisition fund, **Seconded** by Manager Hamre, **Carried**.

A **Motion** was made by Manager Hamre to move the Targeted Watershed Grant expenses from the Admin fund to the Data and Acquisition fund, **Seconded** by Manager Bartz, **Carried**.

**Bridge Inspection Report/Outlet Structure Bear Park:** A report was given by Norman County Bridge inspectors regarding their inspection of the Bear Park Outlet Structure. Herrmann reviewed the report and looked at the structure itself and the sink hole referred to at the outlet structure. He will continue reviewing solutions.

9. **Permits:** Three permits were presented to the board. A **Motion** was made by Manager Hanson to approve the following permits, **Seconded** by Manager Bartz, **Carried**.

**2018-05:** Gary Erickson – Section 21, Heier Twp. – Install erosion control structure

**2018-06:** Paul Swenson – Section 31, Garden Twp – Install Tile

**2018-07:** Paul Swenson – Section 36, Garfield Twp. – Install Tile

10. **Adjournment:** The next regular meeting will be held **Tuesday at 8:00 AM on June 5, 2018**. As there was no further business to come before the board, a **Motion** was made by Manager Hanson to adjourn the meeting at 11:11 AM, **Seconded** by Manager Bartz, **Carried**.