



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: NOVEMBER 3, 2021

1. ATTENDANCE:

Chairman Stuart Christian called the November 3, 2021 meeting to order at 8:00 AM at the District Office. Other managers attending were Don Andringa, Clayton Bartz, Craig Engelstad, and JJ Hamre. Two staff members were present Donna Bjerk – Administrative Assistant and April Swenby – Administrator. Others in attendance were Zach Herrmann – Houston Engineering.

2. APPROVAL OF THE AGENDA:

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

3. MINUTES:

A **Motion** was made by Manager Hamre to approve the minutes from the October 5, 2021 as presented, **Seconded** by Manager Engelstad. **The Motion was carried.**

4. FINANCIAL REPORT:

A **Motion** was made by Manager Hamre to dispense the reading of the Treasurer’s Report and approve the Treasurer’s Report for October, **Seconded** by Manager Engelstad. **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	714.50
April J. Swenby	36.96
Bejou Township	260.00
Christianson Custom Service	150.00
City of Fertile	52.02
Donna A. Bjerk	89.18
EcoLab	53.57
First Community Credit Union	795.39
Garden Valley Telephone Company	225.08
Houston Engineering	15,625.10
Mahnomen Pioneer	90.40
Nathan Rasch	825.00
Otter Tail Power Company	135.14
Sarah Wise	136.12
Stuhaug Sanitation	46.80
True North Steel	3,900.70
Wild Rice Electric	130.88

TOTAL

23,266.84

A **Motion** was made by Manager Andringa to approve and pay the bills with a total of \$23,266.84 **Seconded** by Hamre. **The Motion was carried.**

A **Motion** was made by Manager Andringa to pay A & S Construction for the road/crossing repair on 290th for Project #17 for the amount of \$23,100, **Seconded** by Manager Bartz. **The Motion was carried.**

5. TRUTH AND TAXATION

The budget for 2022 was presented and an opportunity for public comment was provided. Revisions were not made to the budget as approved in September for 2022. 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 Bartz 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	\$	18,000.00
County Ditch # 119	\$	8,000.00
Total #32 - Ditch #80	\$	5,000.00
SH DITCH Sand Hill Ditch	\$	15,000.00
#03 Liberty-Onstad	\$	5,000.00
#05 Ditch 17-2	\$	9,000.00
#11 Beltrami Flood Control	\$	5,000.00
#12 County Ditches 98 &148	\$	7,500.00
#13 Reis-Scandia	\$	5,000.00
#17 Polk County #41	\$	25,000.00
#20 Ditch # 46	\$	7,500.00
#24 Ditch 77 and 166	\$	10,000.00
#27 Union Lake Pumping	\$	15,000.00

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 2022.

This resolution was **Seconded** by Manager Engelstad 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 2021-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:

Drainage Work Group: Swenby attended the Drainage Work Group meeting. There was a lot of discussion on the Township Road Crossing/103E statute. Swenby reminded the managers that the district has had many discussions on this statute for Hammond Township, Liberty Township and most recently Bear Park at our structure.

Additionally, the Board of Water and Soil Resources (BWSR) received a new appropriation and authorities to partner with local government and landowners to implement additional actions to sequester carbon and adapt to our changing climate. One of these new initiatives is directed at constructing water storage and treatment projects. The statute that governs the new program is Mn Statutes 103F.05 WATER QUALITY AND STORAGE PROGRAM. Swenby provided this information to the managers. She stated she is thinking ahead toward the Kittleson studies we have been reviewing and am going to be mindful of this funding when as we pursue these solutions. The details have not been released on the program and how it will be operated, but we were able to provide feedback at the DWG. Two million for two years was allocated to this program and for now it is statutorily prioritized for areas in the Minnesota River Basin and Lower Mississippi River Basin.

Beaver Trapping:

Sand Hill Ditch: Swenby reported that the trappers are almost complete. They are working at the very start of the SH Ditch right and then they will be finished with the stretch. Swenby confirmed that she is leaning towards not removing the dams (except for the one at the very upper end of the ditch) and seeing what spring does. She was told that the dams are not very strong, and likely current in the spring will wash them away.

Bear Park: The trappers caught two beaver in the area, and have deemed it complete. Joe Miller has been contacted to remove the dam.

MAWD Program and Project of the Year submittal: Additional information was provided on our submission. Swenby has not heard if the district has been selected.

Project # 24: J C & J Trucking will begin the cleaning at the coulee after they complete the cleaning on Ditch 9.

Sand Hill Ditch Easements: The district is waiting on HEI to see if any of the documents from the Corp of Engineers will provide clarity for the easements.

Staff Training: Swenby attended BWSR Academy October 26, 27, and 28 for online sessions. Bjerk attended a one-day QuickBooks class.

One Watershed One Plan: The Steering Committee had two meetings in October. The WPSWCD will take the lead on forming agendas for meetings and provide meeting organization. The Sand Hill Watershed will be the fiscal agent for the money. We meet again in November to devise a plan for moving forward. In December the board will be asked to designate a manager to serve on the Policy Committee.

Vesledahl Wetland Banking: Deb Kiel reached out stating she has been in contact with MnDOT and she is planning on a meeting in a couple weeks. Dave Weirens, BWSR has called requesting an audience before the board. Swenby told him that Deb Kiel has told the district she is organizing a legislative meeting with MnDOT, BWSR, MAWD and our board and that it would be Swenby's preference to wait until that time. As a reminder Swenby provided the conservation plans and proposed easement to the managers. It was Swenby's opinion that Weirens seemed to really want a commitment that the district would be taking over the land. Speaking on behalf of the board, Swenby said she told Weirens that our board would need to involve an attorney and the district engineer to evaluate the conservation plans. It would not be a decision made in one months' time, and it would be a very timely discussion with careful thought. She reiterated with Weirens that the

district's main goal is to secure the flowage easements that landowners were promised. He denied that landowners were promised easements.

Ditch 9 Cleaning: JC & J Trucking was hired to clean the ditch and began October 25. During our discussions, Miller was asked to try to keep the spoil equal on both sides of the ditch (currently one side is said to be several feet higher than the other). He was also informed of a possible bridge support in the ditch about ½ mile from Cty Road 14. If the supports are obstructing flow, he will remove them.

Additionally, a landowner in the area still would like the district to address his concerns about the "weep hole" on Ditch 9. Swenby met with Dan Wilkens to get a better understanding of what could be done out there and why things were done the way that they were regarding assessments and outlet fees. One idea that became of that conversation was to place a gate structure in place of the weep hole, and charge Project # 17 and Project #20 for the structure. The landowner states that spring/snow is the issue and feels strongly that Ditch 9 should not bear the brunt of this issue as either system does not pay to use Ditch 9. The managers reviewed the benefits of protection that Ditch 9 has. The managers discussed the drawbacks for gated structures. The managers discussed Ditch 90 and its value and contribution into the system. Additionally, if a consolidation is completed, as was the original intent, the managers discussed the need for a structure or gated structure. The managers agreed to ask Herrmann to obtain more information on the protection benefits for ditch 9, and explore the options and possibly obtain cost estimates.

Building Project: Last month, the district has hired Greg Gaut. A site visit was made, and he anticipates a draft in December.

Incremental Buffer Law: Swenby stated that is her tentative plans to have this wrapped up by the first of the year or early into the calendar year.

Project Team: A project team meeting is set for November 18 to discuss solutions along the SH Ditch and storage solutions along the Kittleson.

PC # 44: As a refresher from last month: There has been some inquiries about work that was done along Polk County # 44 many years ago to secure the boundary for Project # 17. At the intersection of Cty Road 51 and Cty Road 44 there is a culvert that a landowner states was originally plugged and has now become unplugged. Swenby toured the area with Dan Wilkens to get a history, and Wilkens stated that he does not remember that particular culvert being apart of the project and ever being plugged. Swenby has done some investigating on the area and we have very little records of what was done in that stretch and why. It is her understanding that the district helped cost share cleaning, culvert increases and plugging of existing culverts and all future maintenance was agreed upon to be the landowners responsibility This was done in two phases. Swenby has found zero records for phase 1 and found many records for phase 2 which included culvert installation, existing culvert plugs, and a ditch cleaning. Unfortunately, the area in question was in Phase 1. Swenby directed the managers to the district web-site relating to phase 2: http://www.sandhillwatershed.org/Projects_Section_35_Onstad_Water_Diversion.html

Swenby has reached out to Polk County Highway Department three times for information/records they have on the area. Manager Engelstad would like a culvert inventory of some sort with an operating plan for this area as it pertains to the boundary of Project # 17. Swenby agreed that it would be a good idea to preserve the historical work the district did in the area.

A **Motion** was made by Manager Engelstad to hire Houston Engineering to perform a culvert inventory to secure the boundary of Project #17 and ensure that there are recorded records that ensure the boundary and assessed area, **Seconded** by Manager Andringa. **The Motion was carried.**

LSOHC Grant Drone Inspection: The drone inspection took place the end of September. Footage hasn't been received yet.

LiDAR Update: In September 2021, the RRWMB approved a contract with the Sanborn Mapping Company to acquire LiDAR data for the Red River Basin of Minnesota. The RRWMB has also contracted with the International Water Institute to develop LiDAR derived products once the raw LiDAR data has been received and passed QA/QC. LiDAR data acquisition began October 11, 2021 in the northern end of the Red River Basin. The managers received an information booklet.

Project # 24 – Stop Log Structures: Earlier in the month, Swenby sent the annual reminder to Spokely's to place the stop logs in before they clean, and to notify the district when the logs are in place. Mark Stortroen reported, on behalf of Lonnie Spokely, that they did not wash potatoes this year due to a poor crop, therefore they did not have to put the planks in. They will not have to have the ditch cleaned in the spring of 2022 because there was no cleaning this fall.

SHAC: Sand Hill Advisory Committee is scheduled for November 19. Manager Christian's term is up.

8. ENGINEER'S REPORT:

Project # 17: The Ditch crossing regrade at 290th Avenue is complete.

Project Team: Herrmann presented the results of the hydraulic modeling in the Kittleson Creek area. Herrmann looked at topography and identified potential sites and evaluated their performance. Four sites were identified and the drainage area for each site was reviewed with the board. The conclusions using a conceptual level is the following:

- Available storage of individual sites is limited relative to watershed size.
- There is an opportunity to combine several sites to gain additional storage.
- On channel storage may be difficult to implement due to environmental concerns.

Manager Engelstad suggested approaching the landowners to see if there is even an interest before the district expends additional dollars. Herrmann agreed that is a step that should be taken after the Project Team meets.

The Project Team will also be solicited for ideas for the Sand Hill ditch bank stabilization needs.

MN Highway 102 Area Boundary Revisions: Herrmann toured the area with Manager Engelstad, Manager Christian, and Swenby. Herrmann is awaiting information from the County. The district would like to have a drainage plan for the culverts on the Sand Hill Watershed side of MN 102 so that landowners will have all answers to questions at a boundary hearing.

9. PETITION TO OUTLET INTO PROJECT #24 HEARING (10:30):

A **Motion** was made by Manager Hamre to recess the regular meeting at 10:30 AM and open the hearing regarding the petition to outlet into Project # 24, **Seconded** by Manager Bartz. **The Motion was carried.** The hearing was called to order at 10:30 AM by Chairman Christian. Chairman Christian opened the hearing. All guests were invited to sign the sign in sheet. Guests included Daryl Chisholm and Phillip Hamre.

As specified in MN Statute 103E.401, the drainage authority shall hold a Hearing on the received petition. MN Statute 103E.401 Subd. 4. Chairman Christian invited Daryl Chisholm to present himself to the board and his petition to outlet into Project # 24. Chairman Christian turned the table over to Zach Herrmann, district engineer to review the findings. The current benefit area was reviewed along with the area that is area that is petitioned to be assessed into Project # 24. Herrmann highlighted the current drainage path and displayed the new flow path, eventually

outletting in the Sand Hill. Herrmann reviewed the hydraulic capacity analysis. Based on the findings from the Hydraulic Capacity Analysis, the impacts on the Project 24 system are negligible and would not adversely affect drainage for land already within the Project 24 benefitted area. The additional 80-acres increases the drainage area by 2.2%, increases peak flow rates by 1.2%, increases peak flood elevations by 0.05' or less, and does not adversely impact the level of protection from the original design. This assumes all surface and all subsurface water is drained into the system.

Under 103E.401, the benefits are to be determined as if the benefits had been determined at the time of the order establishing the drainage system. The Viewers determined there were \$5,728,017 in total benefits at the time of establishment. Of that, \$5,677,122 were agricultural benefits (99.1%) applied to 9,461.87 acres in the drainage area. The Viewers determined that agricultural benefits are uniformly distributed on agricultural land throughout the drainage area. This resulted in a uniform \$600 per acre benefit rate applied on a per-acre basis to agricultural land. Houston Engineering recommends establishing \$600 per acre of benefits to be applied to the 80-acres included in the petition to outlet into Project 24. The area included in the petition would then be liable for all future assessments levied by the drainage authority based on the benefits assigned.

Based on records provided by the SHRWD, establishment, maintenance, and administrative costs to date expended on Project 24 are \$ 2,816,954. When expenses were adjusted for a 2% annual inflation rate between the date incurred through November 3rd, 2021, the total costs on Project 24 are \$ 3,336,040 in 2021 dollars. Using the percentage of benefits attributed to agricultural land (99.1%), the total costs to agricultural land are \$3,309,400 (2021 dollars). The per-acre cost to agricultural land to date is \$349.44 (2021 dollars) based on the total agricultural acres listed in the Viewers Report (9,461.87 acres). It is recommended that the \$349.44 cost rate be applied to the 80-acres included in the petition to determine the outlet fee, or \$27,956, plus the costs incurred by the SHRWD to conduct the Hearing.

Manager Christian opened up the floor to the public for comments.

Phillip Hamre explained that he paid in the system and does not use it. He feels like he was cheated. He states that he did not get the letter and states it should have been a registered letter. For the purposes of this hearing, Manager explained to Hamre that this hearing is for the outlet to petition into the system. Swenby will research the complaint and follow up with Hamre.

Daryl Chisholm confirmed that he would still like to move forward with the process of petitioning into the system of Project # 24.

A **Motion** was made by Manager Engelstad to adjourn the hearing regarding the petition to outlet into Project # 24 at 10:48 AM and reconvene the regular meeting at 10:48 AM, **Seconded** by Manager Andringa. **The Motion was carried**

10. ACTION ITEMS.

Looking Ahead: There is a conflict for the first week of January for both Zach and Swenby to have the regular board meeting. Swenby knows people schedule doctor appointments, etc. around the watershed board meetings.

A **Motion** was made by Manager Bartz to set the January meeting for January 12, 2022 **Seconded** by Manager Hamre. **The Motion was carried**

Strategic Planning Session: Swenby stated she would like to have a small strategic planning session in January/February this year. She would like to know the focus, goals, and board direction, especially as the district is beginning their One Watershed One Plan process. A proposal was submitted from Houston Engineer with the scope of services for \$5,854.

A **Motion** was made by Manager Andringa to approve the proposal for \$5,854 from Houston Engineering, **Seconded** by Manager Engelstad. **The Motion was carried.** Swenby plans on scheduling this after the first of the year.

1W1P Advisory Committee: An advisory committee for the district's One Watershed One Plan will be formed. Every partner will have representation. Swenby suggested that the board authorize and hire Herrmann to be on that the committee with her, representing the goals and missions of the district.

A **Motion** was made by Manager Engelstad to hire Herrmann as a consultant to represent the district on this committee, **Seconded** by Manager Bartz. **The Motion was carried.**

MAWD Virtually: MAWD will be virtually. Region 1 is planning to try to coordinate our region to meet in person to attend the virtual caucus as a team. A few venues were suggested (Shooting Star Casino and UMC in Crookston)

A **Motion** was made by Manager Engelstad appointing Manager Hamre to serve as a delegate and Manager Bartz to serve as an alternate, **Seconded** by Manager Andringa. **The Motion was carried.**

Project # 24 Outlet: A **Motion** was made by Manager Andringa to adopt the following findings and order, **Seconded** by Manager Englestad.

FINDINGS AND ORDER

The Board of Managers for the Sand Hill River Watershed District (SHRWD), sitting as the Drainage Authority for SHRWD Project No. 24, pursuant to Minnesota Statute 103E.401, held a public hearing on the Petition to Use Project 24 as an Outlet submitted by Daryl Chisholm and Garrett Chisholm at the SHRWD Office, 219 North Mill Street, Fertile, Minnesota, at 10:30 a.m. The Board of Managers for the SHRWD having completed its deliberation, its examination of all files and records herein, makes the following:

FINDINGS

1. The Board of Managers for the Sand Hill River Watershed District is the drainage authority for Sand Hill River Watershed District Project No. 24.
2. The Petition proposes to add 80-acres of drainage area that will contribute to the portion of Sand Hill River Watershed District Project No. 24 that outlets into the Sand Hill River in the Southeast $\frac{1}{4}$ of Section 15, Hubbard Township, Polk County, Minnesota.
3. The land included in the Petition currently drains to the Sand Hill River, outletting into the Sand Hill River in the Northwest $\frac{1}{4}$ of Section 23, Hubbard Township, Polk County, Minnesota. This location is approximately 1,500 feet upstream on the Sand Hill River from the Sand Hill River Watershed District Project No. 24 outlet.
4. Sand Hill River Watershed District Project No. 24 has adequate hydraulic capacity for both surface and subsurface drainage from 80-acres proposed to be added by the Petition.
5. The benefits for the petitioned land have been properly determined.
6. The outlet fee for the petitioned land has been properly determined.

ORDER

1. The Petition to Use Project No. 24 as an Outlet, received October 4, 2021, is approved (referred herein as "Petition").
2. The benefit rate for the land included in the Petition is set at \$600 per acre. The Petitioner is henceforth liable for assessments levied from this date forward in the drainage system, on the basis of the benefits as if the benefits had been determined in the order establishing the drainage system.

3. The outlet fee for 80-acres in the North ½ of the Southeast ¼ of Section 23, Hubbard Township, Polk County, Minnesota is set at \$27,956.
4. As required in Minnesota Statute 103E.401, Subd. 3, the Petitioner is responsible for actual costs for the hearing incurred by the Sand Hill River Watershed District. These costs are in addition to the outlet fee.
5. The Petitioner is still subject to all local, state, and federal requirements for drainage work completed on the 80-acres specified in the Petition. This includes a Sand Hill River Watershed District Permit.

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

	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"/>

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

The district needs to decide on an interest rate to charge Chisholm's and what the terms will be for years to pay back. The original system started in 2013 and it scheduled to be paid off in 2032. The landowners at the time paid 3.5% interest.

To invoke an assessment and maintenance Swenby will need to send the tracks, broken into 40's and the parcel numbers to the county, along with the board approved interest and terms for payback. The average interest that the district has received on our investments for the past ten years is 1.25%. Chisholm's will begin paying maintenance and his portion of the outlet fee in 2022.

A **Motion** was made by Manager Andringa to set the interest rate for Chisholm's Outlet fee at 1.25% for a term ensuring that he is finished paying in 2032, **Seconded** by Manager Engelstad. **The Motion was carried.**

11. OTHER BUSINESS

The managers received information from the Minnesota Association of Drainage Inspectors, the FDRWG, the USLID, and the Drainage Work Group.

12. PERMITS:

The following permits were presented to the board for approval:

21-039: Dean Johnson – Section 33, Garfield Township - Clean existing ditch
Swenby will add cleaning contingencies, suggest that neighboring landowner apply for a cleaning permit in their name, and will notify landowner of potential wetlands.

21-040: Paul Engelstad – Section 5, Liberty Township - Install culverts/crossing

21-041: Neal Pederson - Section 27, Winger Township – Install tile, dike, and inlet for erosion control.

Swenby noted this is an after the fact permit and will notify landowner of potential wetlands in the area.

21-042: Rory Hamre – Section 18, Reis township – Clean ditch/widen crossing
Swenby will send a letter to suggest that the landowner obtain Polk County permissions.

21-036: Polk County Highway Department, Onstad Township Section 22, Install Culvert. Tabled from last month. Houston Engineering recommends approval.

A **Motion** was made by Manager Hamre to approve the above listed permits with the contingencies listed above, **Seconded** by Manager Andringa. **The Motion was carried.** Manager Englestad abstained.

One permit extension was brought before the board:

Permit 2020-055: Lyle Fuchs, Section 32, Garden Township - Extension due to MnDNR permitting

A **Motion** was made by Manager Engelstad to approve the above listed permit extension, **Seconded** by Manager Bartz. **The Motion was carried.**

Permit 20-050 (Violation): As a summary, Swenby reminded the managers that in late October of 2020, the SHRWD was notified of a potential permit violation. We investigated the alleged violation and found that activities had occurred that did not match the approved permit application. The SHRWD had approved a ditch cleaning and culvert replacement along a township road. The work performed on the ditch was a substantial ditch improvement, with all spoil material placed on top of the adjacent township road. The district required the landowner to cease all activity immediately and required them to apply for an after the fact permit.

As part of the after the fact permit, we investigated the hydraulic impacts caused from the improved ditch and raised road elevation. The primary concern was that this area of the watershed is prone to significant overland spring flooding and impacts that the raised road and/or improved ditch may have during flood conditions. The analysis found that there was potential for impacts downstream. As such, we required that impacted downstream landowners acknowledge our impacts analysis in writing before a permit would be provided. There were three landowners.

To date, two of the three landowners have acknowledged the impacts analysis. The remaining landowner has not acknowledged the impact analysis. We've attempted to facilitate a meeting between the applicant, the township, and the remaining landowner to discuss the situation and (hopefully) find a resolution. It appears the issues with the remaining landowner is more to do with the construction methods of the raised road, and if the road were to fail, who would pay to repair damages to his property which is immediately downstream.

Swenby provided to the managers the attorney response who has suggested that the applicant holds the liability. He has recommended approval of Permit 20-050 with the following contingency: "Neither the issuance of this permit, nor compliance with its conditions, shall relieve the applicant from any responsibility otherwise imposed by law for damages to persons or properties affected by the work or activity conducted by applicant." It is recommended that this condition be placed on the permit because of the landowner who is concerned with the integrity of the road not the hydrologic impact of the project. David Johnstad has not yet completed the work out there, but plans on continuing this week. Several extensions have been granted.

A **Motion** was made by Manager Andringa to approve permit 20-050 with the attorney's recommendation, **Seconded** by Manager Bartz. **The Motion was carried.** This is contingent upon the two other landowners signature and approval on the hydraulic impact statement.

Permit 21-043: Daryl Chisholm, Section 23 – Hubbard Township, Install Tile

A **Motion** was made by Manager Engelstad to approve permit 20-043, **Seconded** by Manager Hamre. **The Motion was carried.**

13. ADJOURNMENT:

The next regular meeting will be held Wednesday, December 7, 2021, 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 11:50 AM, **Seconded** by Manager Hamre. **The Motion was carried.**

Donna Bjerk, Administrative Assistant

JJ Hamre, Secretary