



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: MARCH 3, 2022

1. ATTENDANCE:

Chairman Stuart Christian called the March 3, 2022, meeting to order at 8:00 AM at the District Office. Other managers attending were Clayton Bartz, Craig Engelstad, and JJ Hamre. Managers absent included Don Andringa. Staff members present included April Swenby – Administrator and Donna Bjerk – Administrative Assistant. Other in attendance included Zach Herrmann, Houston Engineering.

2. APPROVAL OF THE AGENDA:

A **Motion** was made by Manager Bartz to approve the agenda, adding an action item for the Union Lake Project # 27 Easement and an action item for marketing materials, **Seconded** by Manager Engelstad. **The Motion was carried.**

3. MINUTES:

A **Motion** was made by Manager Hamre to approve the minutes from the February 3, 2022, **Seconded** by Manager Engelstad. **The Motion was carried.**

4. FINANCIAL REPORT:

A **Motion** was made by Manager Engelstad to dispense the reading of the Treasurer's Report and approve the Treasurer's Report for February, **Seconded** by Manager Hamre. **The Motion was carried.**

The managers reviewed their expense reports and reported on activities for the month. The following bills were reviewed (Wild Rice and the City of Fertile were additions to the bills to be paid report):

Aaron Swenby	750.00
Anderson, Bottrell, Sanden & Thompson	4,260.00
April J. Swenby	125.19
City of Fertile	52.02
EcoLab	53.57
First Community Credit Union	726.25
Garden Valley Telephone Company	224.71
HN Quality Plumbing	1,142.57
Houston Engineering	28,652.50
Minnesota Assoc. of Drainage Inspectors	40.00
Otter Tail Power Company	618.84
Sarah Wise	48.00
Stuhaug Sanitation	46.80
Todd's Landscaping	310.00

Wild Rice Electric
TOTAL

130.88
37,181.33

A **Motion** was made by Manager Engelstad to approve and pay the bills with a total of \$37,181.33 **Seconded** by Manager Bartz. **The Motion was carried.**

5. ADMINISTRATOR REPORT:

Vesledahl Wetland Banking: After last month's discussions regarding the timelines, Swenby had several meetings with MnDOT. They have reconsidered their timelines and have now offered a 3-day turnaround time for the removal of beaver dams and obstructions. A draft letter was provided to the managers. MnDOT plans to give this to the landowners.

During the meetings, Swenby reported that they also discussed the parameters of their proposed agreement as a long-term solution for drainage. Swenby is still discussing the options of a legal ditch system with MnDOT, indicating that any special assessment is likely meniscal for MnDOT. Swenby met with Legislators to continue working on Plan B and provided to them the information they have asked for (legal descriptions) to begin the language for a bill. Swenby is hoping to personally meet with Legislators at the Legislative Breakfast for an update on the bill.

Herrmann and Swenby are working through a couple of ideas of extending the ditch or possibly making a water management project.

MADI: MN Association of Drainage Inspectors Spring Conference is March 9 and 10, 2022 in Willmar, MN. Swenby will be attending. Information/agendas were given to the managers.

MAWD Legislative Breakfast: Swenby will be attending the Legislative Breakfast on March 16 and 17 in St. Paul.

MAWA: Swenby will attend the MAWA Meeting on March 16 in St. Paul.

March Conference: Swenby will attend the FDRWG March Conference on March 22 and 23 in Moorhead. She was asked to participate in the KFGO radio show with Joel Heitkamp during the conference. Swenby plans to highlight the watershed district efforts, namely the district award for the Watershed District Project of the Year.

1W1P: The steering committee met in February. They will meet again in March. They have decided to tackle the Work Plan. All members are working together taking sections of the Work Plan.

Manager Orientation: BWSR staff in the Red River Basin will host a NW MN Watershed District Managers Orientation/Refresher. This was scheduled for February but was postponed due to weather. The new date is March 14, 2022. Training opportunities planning to cover topics such as Watershed District Law (103D), Open Meeting Law/Data Practices, Drainage Law (103E), Flood Damage Reduction (FDR) Meditation Agreement, Staff/Board relationships. The managers were asked to let Swenby know if they can attend. Swenby will be attending. Manager Andringa attended in Warren.

MN Historical Building Grant: The final draft was submitted.

Sand Hill Water Quality/Liberty Township: Herrmann and Swenby met with Liberty Township. Swenby is exploring funding options for a CPL grant (10% cost share/local) and a FEMA grant. CPL's next grant period ends in August and staff would like to submit for that grant, but we need to be further along in the process regarding planning and cost estimates. We will be using the project

team process to continue to advance the project. This area will be ear marked for FEMA funding and Swenby has been in contact with the County and their consultants regarding this area.

SH Ditch: Swenby has submitted a data request to Polk County for the years of 1949 through 1960 for the Sand Hill Ditch when the system was turned into a 103E drainage system.

Project #24: After talking with our attorney, Swenby stated it was suggested that the district use MN Statute 103E.805 to remove parcels from an assessed area. Swenby has contacted Phillip Hamre about his concerns and has spoken to his attorney about what it needed to move forward with removing his parcel from the assessed area. Swenby has been working with Polk County and that total amount paid by Hamre for the project was \$37,462.01 along with \$879.90 in maintenance, through the 2021 taxes. The district is not obligated to repay those costs and would be a board decision to do so.

The managers were given an amortization schedule for the petition for Daryl Chisholm to use Project # 24 as an outlet. It is amortized over 11 years (2022 – 2032) and includes the interest amounts at 1.25% and 3.5% for parcel 39.00167.00 which was added to SHRWD Ditch #24. The county is only able to charge 3.5% because that was the original amount on the original assessment (apparently is it a software issue). To combat this, the county will collect 3.5% and disburse that to the watershed and at the end of the year, Swenby will verify that the taxes have been paid and cut a check annually to Mr. Chisholm to offset the agreed upon interest rate and refund him the difference between the 1.25% and the 3.5%. Mr. Chisholm has been notified and it was explained to him that this would be recorded in our minutes.

Strategic Planning: The next strategic planning meeting is set for March 30, 2022.

Benefits: MN PEIP, the districts benefits, is now offering vision coverage. According to our Personnel Policy only dictate that an employee must work 33 hours a week to receive compensation for benefits from the district. However, the district does not dictate that part time employees are not eligible to pay out of pocket. To qualify, two people from the organization must enroll. Swenby asked managers were interested to call her and then she would talk to the district accountant to find out how the payroll portion works, and the legalities for the premium being not taxed. The monthly premium is \$6.41 for Single and \$15.33 for family.

6. ENGINEER'S REPORT.

Liberty-Reis Erosion (SH Ditch Bank Stabilization): HEI is developing a path forward to best align the project with potential funding. Herrmann gave an update of an option for an immediate fix. Swenby and Herrmann are working on some funding options before formally presenting to the board.

MN Highway 102 Boundary: Herrmann has verified that the crossing 250' (+/_) southeast of Burnham Creek crossing can handle added flows. The district will submit this verification to MnDOT. Herrmann has also developed documentation that the proposal/boundary change will not have adverse harm. Both watershed districts will need to petition BWSR.

Ditch 9 and 119: Herrmann has finalized the total acreages. The average county market ag value was used for the parcels adjoining the ditch and is \$3,800 per acre. The payment rate for agricultural land will be 100% of average county market ag value.

The payment rate land within the current physical ditch extents, but outside the current ditch right of way will be 50% of average county market ag value. The same analysis was used for Ditch 119. The average county market ag value was used for the parcels adjoining the ditch and is \$3,330. Herrmann verified that the values were verified with the county. The payment percentages from Ditch 9 are proposed to be used for Ditch 119.

The Board discussed payment rates for road right-of-way for each ditch system and felt payment for road right-of-way was reasonable to ensure ditch land rights exist regardless of the road. The appropriate payment rate for road right of way on Ditch 9 was estimated at 10% of the average county market ag value based on the limited use ag use potential for these acres. The appropriate payment rate for road right-of-way on Ditch 119 was estimated at 20% of the average county market ag value based on the limited use ag use potential for these acres. The Board felt that increased value for road right-of-way on Ditch 119 was reasonable because some ag use has historically been available for land under County road easement, but outside of the ditch footprint.

Ditch recording: Herrmann will obtain some costs to record all the legal descriptions of our ditches in preparation for recording.

7. ACTION ITEMS.

Pens: A **Motion** was made by Manager Bartz to purchase pens for the Polk County Fair for marketing, **Seconded** by Manager Englestad. **The Motion was carried.**

Advisory Committee 1W1P: The board is asked to consider Advisory Committee members. Each entity suggests people who they would like to represent them on the Advisory Committee. As staff and a member of the steering committee Swenby will be on this committee. She recommends that the district expend funds to authorize Herrmann to represent the district in this role. Are there others? You will be asked to make recommendations to the Policy Committee (action items) for members you would like to serve the district.

A **Motion** was made by Manager Engelstad recommend Herrmann as a representative on the Advisory Committee for the SHRW 1W1P, **Seconded** by Manager Hamre, **The Motion was carried.** Funds to cover these costs will use the Petition Funds – Technical Engineering category.

Union Lake/ Prudhomme Easement: A draft easement has been presented to the landowner and the draft is presented to the managers for approval. The attorneys have worked to develop language that is suitable for both parties.

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

Damage Statements – Ditch 9: A **Motion** was made by Manager Engelstad to approve as amended damages statements to include 10% of the average county market ag value for road right-of-way required for Ditch 9, **Seconded** by Manager Hamre, **Carried.**

Damage Statements – Ditch 119: A **Motion** was made by Manager Engelstad to approve the presented damages statements to include 20% of the average county market ag value for road right-of-way required for Ditch 119, **Seconded** by Manager Hamre, **Carried.**

Order for Public Hearing Ditch 9: Manager Hamre moved, seconded by Manager Engelstad for adoption of the following Findings and Order:

Findings:

1. The Polk County Ditch No. 9 previously determined that the implementation of permanent buffer strips of perennial vegetation adjacent to Polk County Ditch No. 9 are necessary to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system.

2. Engineer Zachary Herrmann of Houston Engineering, Inc. was appointed to examine Polk County Ditch No. 9 and investigate the repair of Polk County Ditch No. 9, including the incremental implementation of vegetated ditch buffer strips.

3. The drainage authority determined damages for the right of way values of the project pursuant to Minn. Stat. § 103E.315, subd. 8.

4. The damages statement, including an explanation of how the damages were determined for each property affected by the project, and filed the damages statement with the Secretary on March 3, 2022.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Ditch 9, hereby orders as follows:

A. The Secretary will prepare a property owners' report pursuant to Minn. Stat. § 103E.323, subd. 1, clauses (1), (2), (6), (7), and (8) and mail a copy of the property owners' report and damages statement to each owner of property affected by the proposed project.

B. A hearing on the engineer's report and the viewers' damages statement shall be held on March 30, 2022 at 10 a.m at the Sand Hill River Watershed District office (219 North Mill Street, Fertile, MN 56540).

C. At least ten days before the hearing, the Secretary shall give notice by mail of the time and location of the hearing to the owners of property and political subdivision likely to be affected by the project.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 4 yeas, 0 nays, 1 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
Christian	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andringa	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Hamre	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bartz	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engelstad	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Order for Public Hearing Ditch 119: Manager Hamre moved, seconded by Manager Englestad for adoption of the following Findings and Order:

Findings:

1. The Polk County Ditch No. 119 previously determined that the implementation of permanent buffer strips of perennial vegetation adjacent to Polk County Ditch No. 119

are necessary to control erosion and sedimentation, improve water quality, or maintain the efficiency of the drainage system.

2. Engineer Zachary Herrmann of Houston Engineering, Inc. was appointed to examine Polk County Ditch No. 119 and investigate the repair of Polk County Ditch No. 119, including the incremental implementation of vegetated ditch buffer strips.
3. The drainage authority determined damages for the right of way values of the project pursuant to Minn. Stat. § 103E.315, subd. 8.
4. The damages statement, including an explanation of how the damages were determined for each property affected by the project, and filed the damages statement with the Secretary on March 3, 2022.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Ditch #119 hereby orders as follows:

- A. The Secretary will prepare a property owners' report pursuant to Minn. Stat. § 103E.323, subd. 1, clauses (1), (2), (6), (7), and (8) and mail a copy of the property owners' report and damages statement to each owner of property affected by the proposed project.
- B. A hearing on the engineer's report and the viewers' damages statement shall be held on March 30, 2022 at 11 a.m. at the Sand Hill River Watershed District office (219 North Mill Street, Fertile, MN 56540).
- C. At least ten days before the hearing, the Secretary shall give notice by mail of the time and location of the hearing to the owners of property and political subdivision likely to be affected by the project.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were 4 yeas, 0 nays, 1 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
Christian	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andringa	<input type="checkbox"/>	<input type="checkbox"/>	✓	<input type="checkbox"/>
Hamre	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bartz	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engelstad	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

8. OTHER BUSINESS

The managers received information from the Minnesota Association of Drainage Inspectors, the FDRWG, and MAWD.

9. PERMITS:

There were no permits brought before the board.

10. **ADJOURNMENT:**

The next regular meeting will be held Thursday, April 7, 2022, at 8 AM. As there was no further business to come before the board, a **Motion** was made by Manager Engelstad to adjourn the meeting at 10:02 AM, **Seconded** by Manager Bartz. **The Motion was carried.**

Donna Bjerk, Administrative Assistant

JJ Hamre, Secretary