



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: NOVEMBER 2, 2023

1. ATTENDANCE:

Chairman Stuart Christian called the November 2, 2023, meeting to order at 8:00 AM at the District Office. Other managers attending were Clayton Bartz, Don Andringa, Craig Engelstad and Shawn Brekke. Staff members present included April Swenby – Administrator and Donna Bjerk – Administrative Assistant. Others in attendance included Zach Herrmann – Houston Engineering.

2. APPROVAL OF THE AGENDA:

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

3. MINUTES:

A **Motion** was made by Manager Andringa to approve the minutes from the October 5, 2023, meeting, **Seconded** by Manager Brekke. **The Motion was carried.**

4. FINANCIAL REPORT:

A **Motion** was made by Manager Andringa to dispense the reading and approve the October 2023 Treasurer Reports, **Seconded** by Manager Brekke. **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	165.00
Brandner Printing	436.00
City of Fertile	49.36
EcoLab	53.57
First Community Credit Union	409.82
Garden Valley Telephone Company	386.42
GP Excavating	1,200.00
Houston Engineering	19,231.32
Mahnomen County SWCD	451.26
Mosher Landscaping & Lawn Service	30.00
Norman County Index	256.50
Otter Tail Power Company	107.26
Sarah Wise	48.00
The Thirteen Towns	66.95
True North Steel	2,409.60
Wild Rice Electric	135.23
YHR Partners	781.66
TOTAL	<u>26,217.95</u>

A **Motion** was made by Manager Engelstad to approve and pay the bills with a total of \$26,217.95 **Seconded** by Manager Brekke. **The Motion was carried.**

5. TRUTH AND TAXATION

The budget for 2024 was presented and an opportunity for public comment was provided. Revisions were not made to the budget as approved in September for 2024. 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 Andringa 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	\$30,000
County Ditch # 119	\$6,000
Total #32 - Ditch #80	\$7,000
SH DITCH Sand Hill Ditch	\$38,000
#03 Liberty-Onstad	\$5,000
#05 Ditch 17-2	\$11,000
#11 Beltrami Flood Control	\$5,000
#12 County Ditches 98 &148	\$6,000
#13 Reis-Scandia	\$5,000
#17 Polk County #41	\$50,000
#20 Ditch # 46	\$7,500
#24 Ditch 77 and 166	\$12,500
#27 Union Lake Pumping	\$15,000

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 2024.

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 2023-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"/>
Brekke	<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:

One Watershed One Plan: At the October 11 Policy Committee approved the leftover funds to be used for planning purposes on the SH Ditch and the areas West of Beltrami (Scott Eia’s) at about \$60,000. They also

approved the comments from the agencies, set a public hearing date for November 20, and tabled the fiscal agent discussions.

Swenby updated the managers on the discussions regarding who the fiscal agent will be during implementation. At the end of each grant period, there is a 10% amount withheld. For us that would be about \$70,000. If Swenby starts a new checking account, then those that are later in submitting their bills will have to wait until the complete grant is submitted and complete to get reimbursement. If the district is selected to be the fiscal agent, as a service for the grant process, the managers were asked the district want to float the remaining 10% and run the account into the deficit. All of the watershed's Swenby has talked to, provide those funds as fiscal agent and saw this as minimal support for the effort. Swenby will ask at the next meeting if West Polk plans to float the 10% contingency, should they be selected to be the fiscal agent.

Drainage Work Group: Swenby attended the DWG meeting on October 12, 2023. The agenda and meeting were provided to the managers. Swenby provided a few highlights including:

- Minnesota Watersheds and the Association of Minnesota Counties memo: The memo was discussed at length. A subcommittee to discuss notification was formed. The district is represented by Mn Watersheds on the committee.
- Notification concepts: Tom Gile gave an overview of the concepts he developed. He will have a draft document ready before the November DWG meeting.
- The Outlet Adequacy Subcommittee: The draft report will be available before the November DWG meeting. Members were given a homework assignment to read 103E.261, Subd. 4 and 103E.015, Subd. 4. There is foundational disagreement between drainage authorities and environmental groups on whether these statutes constitute part of outlet adequacy. Swenby ended up having to leave during this conversation to attend a 1W1P meeting, but confirmed that this was the information she was given regarding outlet adequacy.

International Water Institute: Swenby attended the IWI meeting on October 12 to hear an update of their programs.

MnDot Meeting: MnDOT requested a meeting with the watershed. Herrmann and Swenby met with them after last month's board meeting. They had very specific questions on the district rules and regulations and how they can be compliant. They offered many suggestions that Herrmann or Swenby hadn't thought of and will incorporate into the draft rules when we are ready to revise.

Project Team: Herrmann and Swenby presented an update FDWG meeting in October for the SHR Ecosystem Restoration project and presented district plans for the upcoming project team meetings. There is a Project Team meeting scheduled for November 15 at the district office for this project.

Permit/Inspection/Culvert Inventory Software: The permit database is live. A few more changes are being made as we use the system.

Ditch Inspections: Joe Miller has completed the repair Polk County Ditch 9 culvert failure, the cleanout from Project #24, and the erosion repair on Project #20. He will do his best to complete the task list this fall,

1. Union-Sarah USFWS Dike
2. Screen on Union-Sarah culvert
3. Proj 17/20 Overflows, (will likely wait until spring to ensure they are stable for spring flows)
4. Project 20 cleaning (downstream end) (*too wet right now*)

A new item was recently reported citing that there is some erosion on the repair that was done on 290th Avenue. This will be marked for spring, along with the seeding on Ditch 9.

Project # 12: The letter that was discussed last month was sent to landowners. Next year, Swenby suggested exploring spot spraying, instead of opening up the "mowing" issue if landowners are not responsive. Manager Andringa suggested that next year, after inspections it might just take a few phone calls to see if landowners are receptive to mowing. Damaged traps were installed.

On October 30, Swenby toured the area with Mark Ulseth, a landowner along Project #12. He suggested that when we spot clean the ditch, we use that material to fill in around culverts that are on the North side of ditch that go under the road to make it easier and safer for mowing. He also indicated that there was a side inlet, that is 2' too high, and his field on the date of our tour did have water standing. He said that he had contacted

prior Administration several times, and did not find resolution. He would like the watershed to consider investigating this, claiming it was never installed at the right height in the beginning. Manager Andringa stated he thought he knew the area and noticed that there was water still in the field. He will take a look next time he is out in the area.

Annual Conference: The Mn Watershed Annual Conference is Nov 27-30. Manager Andringa is planning on attending. Manager Engelstad will contact Swenby if he is able to attend.

Advisory Committee Meeting: The Advisory Committee will meet November 13, at 8 AM at the Erickson's Smokehouse. The terms of Don Andrina and Clayton Bartz are up in January and both are willing to serve. Swenby provided a draft report of 2023 activities that she plans on presenting to the SHAC.

SH Ditch: Herrmann and Swenby met with the Corp on October 11. They plan to provide documentation that will help us draft language and respond to the landowners downstream questions. They were not able to provide a response themselves, as the project is "closed".

MN Sick and Safety Leave: The district is reviewing language for an update. Swenby attended a seminar for the new law. The personnel committee will be asked to look at it before presenting to the board.

SH Ditch/Township Federal Funding: Swenby will be working on an application to assist the townships of Liberty and Reis through that grants \$500,000 in federal funds to stabilize slopes. This is called a PROTECT grant. Swenby stated she is also inquiring to see if this funding can be used to purchase ROW. The federal funding participation is capped at 80% and requires a minimum 20% match. This application isn't due until November 20, so she is prioritizing the LRIP funds and completing that application first. There is an action item for the LRIP funds.

There was consensus for Swenby to continue forward with the PROTECT application, at a 80/20 cost share.

Building: The district heat went out. Mid Valley Electric coordinated with Ottetail Power to rectify the issue. Swenby informed the managers that Sarah Wise who has cleaned the district building monthly for at least five years is stepping down. Swenby will look for another replacement. Manager Engelstad presented a recommendation of Lacey Berhow.

Project #17: A new washout noted along 290th Avenue. This is an area that the district fixed previously, and our goal was to prevent the road from washing out. The road didn't wash out, but the Township reported that the culvert is exposed and there is erosion on the surface. The district will have to reevaluate this in the spring as it is too late in the year, and it has been marked for repair in our database. Swenby is planning a landowner meeting to talk to landowners about possible repairs on the system and what direction they'd like to proceed forward with for a full system cleaning.

8. ENGINEER'S REPORT

Project # 27: Amendments have been filed and permitting has been applied for the Byran Boll area from Lake Sarah.

Project Team (SH River Ecosystem Restoration): Borings along the Sand Hill Ditch are being planned, using the approved leftover funds from the 1W1P planning grant. (pending weather). Herrmann has been working with Swenby and Moriya Ruefer to move forward with the November Project Team meeting.

SH Ditch Erosion (Section 24, Scandia township): A survey was completed last week to assist in a development of a corrective plan of action and the district is using the leftover 1W1P planning grant funds to develop a concept plan/cost estimate to repair the bank damage.

9. ACTION ITEMS.

Upcoming meeting dates: Swenby will be experiencing a date conflict for the January meeting and two managers had a conflict during the December meeting date. A meeting date change for the December 2023 meeting, was suggested for December 11 or December 15, 2023, depending on which date works best for Bryan Murphey from H2Over Viewers to present. It was also suggested to have the December meeting at 3 PM and have the District Christmas party following the meeting. A meeting date change for the January 2024 was suggested for January 12, 2024.

A **Motion** was made by Manager Brekke to change the December meeting date to either December 11 or December 15 at 3 PM (date depending on H2Over Viewers) and change the January 2024 meeting date to January 12, 2024 at 8 AM, **Seconded** by Manager Engelstad. **The Motion was carried.** Swenby will notice the papers to comply with open meeting law to accommodate the new dates.

Project Team Membership: In September the district approved the project team member listing. Swenby is looking for a motion that authorizes staff on behalf of the board, to adjust the Project Team SH Eco System Restoration Membership list as they see fit according to the needs to move the project forward. Revisions so far included adding Nathan Wallerstedt (Regulatory COE), John Voz (BWSR RIM Coordinator), Alex Engelstad (Liberty Township Landowner Alternate), James Page (Reis Township Landowner) and Mitch Lenz (Reis Township Landowner Alternate). More revisions may be forthcoming as needed.

A **Motion** was made by Manager Engelstad delegate project team membership to staff and adjust as deemed appropriate, **Seconded** by Manager Brekke. **The Motion was carried.**

LRIP Funding: Swenby has been working with the Reis and Liberty Township to apply for LRIP funds (up to \$1.5 million per township). The application asked for a local agency resolution approving the project and pledging support to fund engineering, right of way, inspection, and other non-LRIP eligible costs, as well as LRIP-eligible items in excess of the LRIP grant amount. The application is proposing that the Township roads be move south. Swenby asked the watershed district to commit to being the local agency, if the Township is awarded this amount. Swenby has called the attorney, to see if ROW acquisition can be purchased and partner in the project. Swenby is am obtaining a letter of support from BWSR and MnDNR. Rich Sanders said the county would be the sponsor. There are a lot of moving parts to this application and a bunch of different scenarios.

A **Motion** was made by Manager Engelstad to approve the resolutions presented for both Liberty and Reis Township accepting responsibility for non-LRIP eligible costs, **Seconded** by Manager Andringa. Upon the following roll call vote, **The Motion was carried.**

	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"/>
Brekke	<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"/>

Mn Watershed Annual Meeting: Mn Watershed’s is requesting a designated Alternate and Delegate. This person would be responsible for attending the business meeting and voting at the conference.

A **Motion** was made by Manager Brekke to appoint Manager Andringa as delegate and Manager Engelstad as alternate (if he is able to attend), **Seconded** by Manager Bartz. **The Motion was carried.**

2. OTHER BUSINESS

The managers received information from the Clean Water Council, Drainage Work Group, and the and information regarding the Mn Watersheds Annual Meeting.

3. PERMITS:

The following permits from last month (tabled last month) were presented:

- 23-045: Rosebud Township, Section 27. Add culvert/crossing

A **Motion** was made by Manager Bartz to approve permits 23-045, **Seconded** by Manager Engelstad, **The Motion was Carried.**

4. ADJOURNMENT:

The next regular meeting will be held Thursday, December 11 or December 15 2023, at 3 PM., with the district Christmas Party following the meeting at Erickson's Smokehouse. The date is pending the schedule of H2Over Viewers. As there was no further business to come before the board, a **Motion** was made by Manager Engelstad to adjourn the meeting at 11:20 AM, **Seconded** by Manager Brekke. **The Motion was carried.**

Donna Bjerk, Administrative Assistant

Shawn Brekke, Secretary