



TITLE: REGULAR MONTHLY BOARD MEETING MINUTES

DATE: OCTOBER 5, 2023

1. ATTENDANCE:

Chairman Stuart Christian called the October 5, 2023, meeting to order at 8:00 AM at the District Office. Other managers attending were Clayton Bartz, Craig Engelstad, Don Andringa 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 the agenda, **Seconded** by Manager Brekke. **The Motion was carried.**

3. MINUTES:

A **Motion** was made by Manager Andringa to approve the minutes from the September 7, 2023, with correction regarding manager recusal in the permit section. Seconded by Manager Bartz. **The Motion was carried.**

4. FINANCIAL REPORT:

The Treasurer's Report for September was presented. A **Motion** was made by Manager Brekke to approve and dispense the reading of the Treasurer's Report for September, **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:

Anders Valley Publishing	500.64
April J. Swenby	316.79
Berhow Sodding	650.00
David Sundheim	90.00
Donna A. Bjerk	93.75
EcoLab	53.57
First Community Credit Union	1,075.49
Garden Valley Telephone Company	177.03
GP Excavating	6,400.00
Houston Engineering	12,348.93
Minnesota Secretary of State - Notary	120.00
Mn Watersheds	27.72
Norman County Index	940.50
Otter Tail Power Company	186.55
Sarah Wise	48.00
True North Steel	1,156.00

Wild Rice Electric
TOTAL

134.08
24,319.05

Swenby pointed out that there is a check in the amount of \$5,174.60 written to Houston Engineering on 9/30/23 for Project Team Expenses and was included on the check register of the Treasurer's Report. Due to the date sensitivity of the reimbursement requests, the check needed to be issued in the 3rd quarter. The check has been held and is to be added to the bills to be paid.

A **Motion** was made by Manager Engelstad to approve and pay the bills with a total of \$29,493.65 Seconded by Manager Andringa. **The Motion was carried.**

5. ADMINISTRATOR REPORT:

Mahnomen County Commissioner Meeting: Swenby attended the Mahnomen County Commissioner meeting on September 12 and presented the annual report and 2022 audit.

FYI During my meeting Swenby was informed that Mahnomen County pays \$100 for setup fee (per colony) and then pays \$150 per beaver. The district is currently paying \$85 per beaver and no set up fee.

One Watershed One Plan: At the September 19 Steering Committee meeting leftover planning dollars (expected about \$60,000) was discussed. At the last steering committee meeting Swenby presented options to the committee that would aid the planning process, and have been verified to meet the criteria. Swenby provided them to the managers. These suggestions will be presented to the policy committee.

MAWA Conference/Joint SWCD Meeting: Swenby attended the MAWA meeting and the joint watershed and SWCD Meeting in Baxter on September 27 and 28. The agenda for MAWA was provided to the managers. Swenby stated she learned about upcoming resolutions, legislative actions, DWG, and potential adjustments to 103D that Mn Watersheds is working on – mostly just provide clarification to languages.

Drainage Work Group: Swenby attended the DWG meeting on September 11. Swenby stated they are really working through all of the notices required in statute (many environmental groups still feel that there is a gap in public notice requirements) and they are having the technical teams help to define "adequate outlet" and the process required to determine "adequate outlet". Agenda and notes were provided to the managers

LID Meeting: Swenby attended the LID meeting on September 18 and gave an update. Swenby provided a FAQ page she has made to help the landowners and the LID navigate the pump and rules that surround it. The LID will put this in their newsletter and Swenby will place this on the district web-site.

Project Team: Swenby and Herrmann will present at the FDWG meeting on Friday a status update for the SHR Ecosystem Restoration project and what the district plans are for the upcoming project team meetings. Managers are welcome to attend and the agenda was provided.

Permit/Inspection/Culvert Inventory Software: Swenby confirmed that the new permit database is live. A few more changes are being made as we use the system. Swenby has to authorize an additional 4 hours to import the last 3 years of ditch inspections that we did using a prior system we were trialing. Swenby has planned on manually doing that, but the locations are valuable when relating to the images that were taken. And import is most efficient.

Ditch Inspections: Swenby provided ditch inspection reports from the new inspection system. She also provided a status update of what's been done so far, and what is yet to be completed. Today there is a contractor meeting to talk about the plan forward for the following:

1. Union-Sarah USFWS Dike
2. Screen on Union-Sarah culvert
3. Polk Ditch 9 Side Inlet
4. Proj 17/20 Overflows
5. Proj 24 Cleanout (Brekke's)

Project # 12: There are some woody areas along Project #12 that should be mowed. A contractor in the area is willing to mow, but Swenby felt it was unfair to attribute this cost to the system, when the upper landowners mow at their own expense, thus they'd also be paying for the landowners who do not assume that responsibility. Swenby has drafted a letter encouraging landowners to mow the system.

Two traps were noted as damaged during inspections. After conversing with the landowners, it appears that this was an old damage from years ago that the watershed was supposed to repair. Swenby was told that a mower we hired did the damage and was supposed to repair it but never did. This will be what he said/she said situation. Prior to 3 years ago we had no ditch inspection reports that would corroborate that. Swenby stated that she has opted to just repair them to keep the system in good working order.

SH Ditch Repairs West of Beltrami: Last month, Manager Andringa, Herrmann, Swenby and Scott Eia toured an area of the SH ditch that suffered significant issues from flooding. This will need repair. It is included in the inspection reports. Swenby is working on adding this as a priority area for the 1W1P money for next spring and am asking for this to be added to the work plan for projects and practices. This is one of the areas that will be presented to the 1W1P policy committee for approval to use the leftover dollars.

2024 Insurance Rates: The 2024 insurance rates have been released. Rates have increased \$335.26 per month for 2024. Last year the district amended the personnel policy to pay 80% of the HSA option.

Annual Conference: The Mn Watershed Annual Conference is Nov 27-30. A tentative agenda was given to the managers.

SH Ditch: Swenby is working with the Corp to develop language for the structures. We were asked the a few questions to respond to. Since then, they have asked for a meeting, and we will be meeting with them on October 11.

MN Sick and Safety Leave: Effective January 1, 2024, MN law requires sick and safety leave for employees who work more than 80 hours per year. The district will need to adjust the personnel policy to accommodate this, as it could affect managers and the office assistant. Swenby will be reaching out to the HR attorney in Fargo to draft the correct language for this.

6. ENGINEER'S REPORT.

Project # 27: USFWS will provide a permit for the work. We are meeting with the contractor today to discuss the parameters of the work.

Herrmann has filed the amendments that are required for the interconnect, on Bryan Bohl's property, as directed by the board. As a reminder, the permit amendment expenditures will be billed back to the landowner, not the system. Permit fees have increased to \$1,200 for the amendment.

Ditch 9: A 24" CMP side inlet pipe has been ordered. Swenby and Herrmann are meeting with the contractor this afternoon to discuss the parameters of the project.

Project Team: Herrmann and Swenby will attend the FDRWG Project Team meeting tomorrow to update the FDRWG on the status of the project- SHR Eco System Restoration.

SH Ditch: The SHRWD received a complaint about modifications to the spoil pile along the Sand Hill Ditch in the NW 1/4 Section 23 Scandia. This portion of the Sand Hill Ditch is a 103E public drainage system and the SHRWD is the ditch authority. The modifications were done a long time ago (15-yrs +/-). The district has been informed that at the time of the modifications, area landowners brought it up to the SHRWD staff, however no action was taken at that time. The spoil was raised to prevent spring flood breakouts from inundating adjacent buildings. The raised spoil now results in flood breakouts to the north, over the County Road on the opposite side of the channel. At this point, the SHRWD has been working through avenues to determine what corrective action (if any) can be taken by the SHRWD.

Herrmann has dug into the original technical specifications and as-built drawings from the construction of the Sand Hill Ditch, completed by the US Army Corps of Engineers. He reported that it doesn't appear that the modifications to the spoil violate the specified geometrics for spoil placement from the original construction. He's also reviewed the as-builts of adjacent county roads and didn't find anything that would lead him to believe there is a violation from the geometry defined in those plans, either. Since the modifications were made for the purpose of preventing damages, Herrmann feels most comfortable labeling the modifications a dike. Under our current rules and under the prior rules and regulations, a dike would be regulated.

Based on the SHRWD Rules and Regulations that were in place at the time of the violation, a permit would be required. However, consultation with Attorney Hauff revealed case law that indicates a WD is within their rights to not follow their Rules and Regulations at their discretion. Given that a complaint was brought forward to the SHRWD at the time, and no action was taken, it could create a difficult argument as to why a permit wasn't required at the time.

During consultation with Attorney Hauff, the potential to repair the spoil as a ditch system expense was also discussed. Because the spoil still conforms to the ditch specifications from its original construction, completing the work as a repair through MN 103E is not an option.

It should also be noted that none of this waives the ability of landowners to pursue action against other landowners for damages incurred because of the dike. That ability exists even with a WD permit. That said, the owners of the dike could be at risk from a legal standpoint.

Manager Engelstad asked about the height of the field approach on the south side of the Sand Hill Ditch and east off County Road 14. Herrmann reported that his review of the as-built drawings of County Road 14 indicated that the crossing does appear to be within specifications of the as-built drawings.

Managers agreed the best way is to converse with JJ Hamre about this after harvest.

Moan Outlet Stabilization: Herrmann presented the preliminary plan that was provided to regulatory agencies. There are no significant concerns noted from the solicitation. An additional survey will be completed for the final design and permitting.

7. ACTION ITEMS.

MN 102 Boundary: RLWD has approved moving forward. **A Motion** was made by Manager Andringa to file a petition with BWSR for a boundary change, **Seconded** by Manger Brekke. **The Motion was carried.**

Advisory Committee Membership List: Statute requires approval of membership list annually. The following changes were made: Remove Jerry Jacobson add Paul Reese.

A **Motion** was made by Manager Englestad to approve the list with changes, **Seconded** by Manger Bartz. **The Motion was carried.**

Garden Valley Capital Credit Buyout: A **Motion** was made by Manager Brekke to keep credit and not cash out the capital credit, **Seconded** by Manger Andringa. **The Motion was carried.**

USGS Joint Funding Package: The district share will be \$6,380 for the Gage at Climax. The agreement was provided to the managers.

A **Motion** was made by Manager Andringa to cost share in the amount of \$6,380, **Seconded** by Manger Brekke. **The Motion was carried.**

8. OTHER BUSINESS & PARTNERING INFORMATION

The managers were given information from Mn Watersheds, the Drainage Work Group, International Water Institute, Minnesota Assn. of Watershed Administrators, the FDRWG and the FDRWG Communications Committee that Swenby participates in, and the MN Association of Drainage Inspectors.

9. PERMITS:

The following permit was presented to the board:

Permit 23-044 – Walter Van Den Einde – Section 36, Bear Park Township, Pump water from existing pond into River.

Miscellaneous: Scott Eia Contacted Swenby and Don Andringa asking about reshaping the spoil along the SH Ditch in Sections 15 and 16. A letter that was mailed to Eia was distributed to the managers. No permit is necessary.

A **Motion** was made by Manager Bartz to approve Permit 23-044, **Seconded** by Manager Engelstad. **The Motion was carried.**

10. ADJOURNMENT:

The next regular meeting will be held Thursday, November 2, 2023, 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 10:48 AM, **Seconded** by Manager Brekke. **The Motion was carried.**

Donna Bjerck, Administrative Assistant

Shawn Brekke, Secretary