



**TITLE:** REGULAR MONTHLY BOARD MEETING MINUTES

**DATE:** FEBRUARY 7, 2025

**1. ATTENDANCE:**

Chairman Stuart Christian called the February 7, 2025, meeting to order at 8 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 attendance included Zach Herrmann – Houston Engineering. Bryan Murphy – H2O Viewers attended via remote technology.

**2. APPROVAL OF THE AGENDA:**

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

**3. APPROVAL OF THE MINUTES:**

A **Motion** was made by Manager Bartz to approve the minutes from the January 7, 2025 meeting, **Seconded** by Manager Engelstad. **The Motion was carried.**

**4. FINANCIAL REPORT:**

A **Motion** was made by Manager Engelstad to dispense the reading and approve the revised December 2024 and the January 2025 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.

<b>April J. Swenby</b>	177.81
<b>City of Fertile</b>	57.05
<b>EcoLab</b>	57.98
<b>Fertile Hardware Hank</b>	40.63
<b>First Community Credit Union</b>	35.26
<b>Garden Valley Telephone Company</b>	164.99
<b>Houston Engineering</b>	41,324.00
<b>Liberty Township</b>	180.00
<b>Minnesota Assoc. of Drainage Inspectors</b>	50.00
<b>Office Supplies Plus</b>	74.50
<b>Otter Tail Power Company</b>	526.89
<b>Rinke-Noonan</b>	2,760.50
<b>Rosebud Township</b>	180.00
<b>Schmitz Builders, Inc.</b>	3,823.75
<b>Todd's Landscaping</b>	180.00
<b>Wild Rice Electric</b>	117.59
<b>TOTAL</b>	<b><u>49,750.95</u></b>

A **Motion** was made by Manager Brekke to approve and pay the bills with a total of \$49,750.95, **Seconded** by Manager Andringa. **The Motion was carried.**

## 5. ADMINISTRATIVE REPORT:

**Project #27:** Swenby met with the Appraiser, Herrmann, Lonnie Paradis, and Shane Johnson. She also met with Annalee Jones at Polk County and following met with in a joined effort with the appraiser and Annalee Jones. Swenby is comfortable with a path forward; however it will require manual entry of estimated market values and parcel splits annual before the assessments each year.

Swenby also met with Marci Weinandt, the region's CWF (Clean Water Fund) representative about CWF dollars for AIS (Aquatic Invasive Species) such as Zebra Muscles. Swenby is actively looking for opportunities for additional funding for the pump/screen, noting that a Fish IBI (Index of Biological Integrity) impairment in Union Lake was noted by MPCA. Weinardt is working with BWSR, the CWF Administrator and the MnDNR. Swenby sent Weinardt articles about Mercury found in water/fish related to Zebra Mussels, etc. The managers requested that Swenby forward those articles to them. Swenby said that she learned there are watersheds who use CWF for carp, and Weinardt was unaware that AIS in our area was not a candidate for CWF. As Weinardt receives information she will let Swenby know.

The managers suggested that Herrmann investigate the option of ultraviolet light and/or copper ion generator as a solution to the management of avoiding the transport of zebra muscles downstream. In addition to including this into his analysis, the managers requested that the MnDNR test downstream to ensure that the waters are not already infested. The Red River of the North has been deemed infested and the board wanted to ensure that the district was not trying to protect something that has already been infested.

A letter will be drafted to MnDNR to ask about testing downstream, along with more information on the ultraviolet light and a copper ion generator as a solution.

**Sand Hill Ditch Redetermination:** A contract with the viewers is being presented as an action item for today's meeting. Swenby was working with Murphey to include language about the financial responsibility the engineering expenses, the balance of legal fees between the watershed and H2Over, and the amount of meetings included with landowners in the contract. Bryan Murphey was present via remote technology to discuss the terms of the contract. During the discussion the managers discussed the protection area of the Sand Hill Ditch and the legal systems that may be of benefit for a redetermination parallel to the Sand Hill Ditch. Murphey said that he has not had these discussions with Polk County yet, but will work with Rich Sanders to begin those discussions and keep Swenby updated. The managers acknowledged that it appears to be most efficient if all systems are updated and current as they all have relationship to each other.

Swenby asked the managers to review two options for letters of communication to landowners regarding the redetermination of benefits and asked for input. Formal communication to the landowners about the decision to redetermine the Sand Hill Ditch was discussed. The managers discussed using the official newspaper for additional communication. Swenby added that she sent out almost 3,000 notices for the educational sessions last summer, and in that communication landowners were directed to the district web-site to remain informed. The web-site is updated monthly, with our minutes, along with the videos of the educational sessions held in the summer of 2024. Because the affected landowners have not been identified and it is too early in the process to identify, the managers decided to table formal communication until more information is available.

**Upcoming Learning Opportunities/Events:** Swenby highlighted several opportunities for education and networking and asked the managers to let her know if they'd like to attend so she can register them and book appropriate travel arrangements.

**Ditch Mowing Policy:** As per direction last month, Swenby has asked the district attorney for assistance with a possible revision on the buffer/mowing policy to better align with the way the watershed manages the buffer.

**Project Team:** The Project Team met January 29. Swenby reported an engaging discussion and great attendance. Herrmann presented alternatives (storage paired with a 2-stage channel), as directed at the September 2024 Project Team meeting. He received input and was instructed to continue to modify the alternatives, and the team plans to meet again in March (likely the 3<sup>rd</sup> week).

Members on the project team have asked about removing ice/snow in the spring west of Highway 9. In the past when landowners have requested ice/snow removal for maintenance the board has decided to not use

the maintenance fund for spring flooding efforts and have only granted permission for them to perform this type of maintenance independently if their property was at risk for flooding during spring events. Because this question was brought up at the Project Team, Swenby spoke briefly with the attorney at the conference she attended this past week about the logistics of snow/ice removal in our legal drains as a repair item. He encouraged the board to give this idea thorough thought and consider precedence in relation to all the district ditches, to consider the original intent of the ditch, and the ability to justify the reasons for classifying this as maintenance. He said there is nothing in statute prohibiting watersheds from taking this action to remove snow for spring flooding and added that there is also nothing in statute requiring such maintenance actions. He asked the board to consider "best practices" and stated that the removal of snow/ice is not an obligation of the district for maintenance and that snow/ice is not a definition of an obstruction in the drainage code.

Manager Engelstad asked about the possibility of landowners submitting a petition to the district for the removal of snow. Swenby agreed that the landowners have the right to submit a petition. She said that the district has not ever asked landowners to submit petitions and that as the drainage inspector, she just takes phone calls for maintenance requests and during inspections she and Herrmann evaluate all requests to determine if maintenance is required and necessary. She did not remember a time where landowners petitioned for maintenance, as the district addresses every request verbally. Maintenance requests are recorded appropriately. She stated that coincidentally, petitions for maintenance and the obligations of the drainage authority was covered at length at the conference she attended this week. The drainage authority's duty is to determine from the repair report and the evidence presented that the repairs recommended are necessary for the best interests of the affected property owners. Minn. Stat. § 103E.715, subd. 4(a)(1). It is the drainage authority's responsibility to make determinations for maintenance requests and if they are an appropriate to perform.

She also added that there was discussion at the Project Team level about the Red Lake Watershed District (RLWD) already adopting this practice of removing snow/ice. Swenby reached out to the RLWD to learn about their policies. The Administrator said they have various sites that are monitored during spring runoff. If snow and ice is cleared it is for the protection of homes so the water can pass by without backing up. How much they remove is totally a field judgement by staff. They use the same contractor each year, for each site so that helps as the contractor knows the area. The RLWD Administrator said she was not aware of any instances that the RLWD removes snow and ice for spring flooding on their legal drains to protect the overtopping of roads and ag land in the spring.

Manager Engelstad stated that it was his understanding that the inquiry from the project team is not for ice, and is only for snow. Manager Engelstad stated that he was told that the contractor said he charges \$1,400 per mile for snow removal and it is estimated to move one mile per day.

This will be an ongoing conversation at the project team level, as the project team asked Herrmann to evaluate this in relationship to the discussions for solutions and alternatives. Herrmann advised that should the board move forward with maintenance items to include snow/ice removal, he recommends this action be separated from any capital improvements made on the channel and not contingent on the operations of any capital improvements made.

**Vesledahl Wetland/Public Drainage:** Meeting notes from a meeting with USFWS, Swenby and Herrmann were provided to the managers. A meeting is scheduled for February 7 with interested landowners to communicate the position of USFWS and to discuss a path forward.

**Project 11:** A map was presented to the managers showing the drainage area of Project 11 in comparison to the drainage area. The managers reviewed the area. Swenby stated that to correct any discrepancies, the attorney recommends two paths; a redetermination, or a petition using MN Statute 103E.401.

**Other Materials:** Swenby provided information to the managers on the upcoming legislative session and the Drainage Work Group items, 1W1P updates, January activities and responsibilities in January, and footage from the RRBC Conference where Herrmann presented on the resiliency planning on the SH River Ecosystem project area.

## 6. ENGINEER'S REPORT:

Herrmann's activities were covered in the Administrator report. He continues to work on the incremental buffer for Project #17, the bidding package for Liberty Road Erosion and Scandia 25 repair, and the solution for Project # 27 (Pump and Zebra Muscles). The project team was a focus of his time for January.

## 7. ACTION ITEMS:

**H2Over Viewers Contract (SH Ditch Redetermination):** A **Motion** was made by Manager Brekke approve the contract as with recommended revisions related to the scope of practice and the financial responsibility of the engineer and the inclusion of a possible recessed hearing and authorizing Swenby to sign the contract, **Seconded** by Manager Engelstad. **The Motion was carried.**

## 8. OTHER BUSINESS:

The managers received information from the Drainage Work Group, MN Watersheds, and MN Association of Watershed District Administrators.

## 9. PERMITS:

Three permits were presented the board. A **Motion** was made by Manager Andringa to approve the following permits, **Seconded** by Manager Bartz. **The Motion was carried.** Manager Engelstad recused himself from voting. Swenby is awaiting a landowner signature on permit 25-001 and the permit approval is contingent upon landowner signature.

Permit 25-001: Coleen Tupper, Reis Twp. Section 22, Install Tile  
Permit 25-002: Gelene Gullekson, Liberty Twp. Section 7, Install Tile

A **Motion** was made by Manager Brekke to table the following permit until Herrmann has had a chance for a formal review, **Seconded** by Manager Andringa. **The Motion was carried.**

Permit 25-003: Polk County Highway Dept., Garfield Twp. Section 14, Surface Drainage, culvert installations

## 10. ADJOURNMENT:

The next regular meeting will be held March 6, 2025, 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 12:53 PM, **Seconded** by Manager Brekke. **The Motion was carried.**

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Donna Bjerck, Administrative Assistant

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Shawn Brekke, Secretary