

WILD RICE WATERSHED DISTRICT
11 Fifth Avenue East
Ada, MN 56510
Ph: 218-784-5501

REGULAR MEETING
August 12, 2009
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, August 12, 2009. Managers in attendance included Diane Ista, Joe Spaeth, Greg Holmvik, Duane Erickson and Dean Spaeth. Absent: Mike Christensen and John Austinson. In addition the following persons were in attendance: Interim Administrator Loretta Johnson, Administrative Assistant Kari Kujava, Attorney Hanson, Engineer Bents and Marijo Vik, Jim Jirava, Brian Borgen, Mark Habedank, Raymond Hanson, Aaron Neubert, Curtis Borchert, Dave Stumbo, Borgens and Andersons.
2. Vice Chairman Ista called the meeting to order 8:45 a.m.
3. Kim Hess, rural homeowner, gave a presentation on their need for a farmstead ring dike, and the inability to be approved due to the buildings being very close to the Red River and the bank failure as a result of this. Engineer Bents stated that the District has three other applicants who have the same situation. Hess asked what they could do to obtain assistance in moving homes and outbuildings. A motion was made by Manager J Spaeth and seconded by Manager Holmvik for staff to seek outside funding for moving and elevating homes that fall into this category. Carried.
4. Agenda Approval. A **motion** was made by Manager Erickson and **seconded** by Manager D Spaeth to approve the agenda with the addition of John Beckwith, NRCS at 2:00 p.m., Curtis Borchert, Project Coordinator and Curt Johansson, Hendrum Mayor. Carried.
5. Project #42. Upper Becker. Jim Jirava, landowner and Spring Creek Township Board joined the meeting. Engineer Bents reported that the appraisals on Upper Becker are proceeding. The basic data book is near complete. Jirava recommended holding an evening meeting with landowners to update them on the status of the project. Manager Erickson questioned if it was necessary to complete the appraisals first. Jirava stated he didn't think the appraisals would be necessary to have an initial meeting, rather landowners would like to be informed of the project. A **motion** was made by Manager Erickson and **seconded** by Manager D Spaeth authorizing staff to schedule a special meeting with landowners and township officials at 7:00 p.m. on Monday August 24, 2009, at the Callaway Community Center. **Carried.**

Funding the local cost share was discussed. Engineer Bents stated that there are probably three options which are 1) Using the Red River Construction Account; 2) Setting up a benefiting area and having viewers establish the area and the benefits; 3) Establishing a Water Management District (WMD). Manager Ista stated that the Managers have discussed a WMD for a long time and really would like to move forward with a smaller area to include the Upper Becker area only as a pilot project. Manager Holmvik preferred establishing a WMD throughout the entire Watershed District, but using only a designated portion for the Upper Becker project. Holmvik stated that the Citizens for Farmland Preservation (CFP) group sent a letter to the District stating that they would support the idea of a WMD, and felt the District should pursue this method.

The time frame of establishing an assessment area vs. a WMD was discussed. Engineer Bents said that Ron Ringquist quoted the District \$190+K to do the viewing and he estimated he couldn't start the project for at least two years.

6. Reconvened Meeting. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to recess the meeting at 4:00 p.m. to be reconvened at 8:30 a.m. on Wednesday, August 19, 2009, at the District office. **Carried.**

7. COE WRRFS. At 10:00 a.m. Nan Bischoff, Randy Devendorf and Mike Wyatt, COE, joined the meeting via teleconference to discuss the status of the Feasibility Study. Handouts sent to the District by Mike Wyatt were distributed to Managers. They gave a report on the review that they had done regarding the study of the original Twin Valley Lake Project. Wyatt stated that there are concerns when changing a riverine system to a lake system. The issue would be the same upstream having smaller reservoirs. In the current authorization the project explicitly states \$20 Million total cost and the assumption is that in today's dollars in would be well over \$40 Million. He also stated that in the current Obama administration, the President wants to see the Benefit Cost (BC) ration changed to 2.5, causing extreme difficulty in obtaining the positive BC ratio necessary to build a COE project. Wyatt also stated that it also makes it more difficult unless you are in an urban area where under the COE process, the benefits are considered greater in protecting urban residents than rural cropland. He stated that if the desire of the board is to manage flood damages on the lower Wild Rice River, he would recommend proceeding with the current study with the additional ecosystem enhancements. Manager Ista commented that under the current study for the lower Wild Rice Feasibility Study, the setback levees would force additional water downstream and the recommendations have been to have flowage easements which the landowners are opposed to. Engineer Bents stated that it appears there are two thoughts, finding enough storage to be similar to the old Twin Valley Dam or getting enough storage to offset damages downstream as a result of the levees. Nan Bischoff asked if storage capabilities to offset impacts would be enough to garner support from landowners. Manager Holmvik stated that proposal would leave them exactly where they are at now, and there would be no positive gain. Wyatt also stated that any onstream storage sites would require wetland mitigation and asked if the District was prepared to purchase the necessary land for the mitigation. Consensus of Managers was for more discussion prior to making any decisions on continuing to pursue the COE WRRFS.

8. Water Management District (WMD). Discussion continued regarding funding the local cost share for the Upper Becker Project. Manager Holmvik reminded Managers of the letter received from the Citizens for Farmland Preservation (CFFP) and their support for moving forward with a WMD to fund the local cost share for a project. Holmvik stated that he supported the plan to divide the district into the individual watersheds, but using charges against only the affected lands. Manager Ista stated that it should be the affected areas only. Engineer Bents stated that to come up with a plan amendment the following items will need to be decided: boundary of the area from which to collect; how much to collect; how the determination of charges will be calculated, i.e. land, runoff, soils; length of time it stays in effect; then all of these items will be put in an amendment to the plan and submitted to BWSR and they will hold a hearing. The time factor was discussed. Engineer Bents stated that it would probably take up to about six months to set a WMD up and felt that the hardest part of the discussion by the Board of Managers may be to decide what areas to include. Mark Habedank asked if the local cost share could be reduced if the NRCS assisted with the project. Consensus of Managers was that it may reduce the local cost share. Discussion continued regarding options for areas to include.

A **motion** was made by Manager D Spaeth and **seconded** by Manager Holmvik authorizing Attorney Hanson to prepare two options of a Watershed Plan Amendment for the September 9, 2009, Regular Meeting. Option #1 will be to include all subwatershed districts as included on map distributed; Option #2 will be to include only the Lake Bed South and the South Branch, (orange and green on the map). **Carried.**

PERMIT APPLICATIONS

9. **Paul Borgen, Section 11/12/ Georgetown Township.** Paul and Andrew Borgen and Mr and Mrs. Anderson met with Managers at 1:00 p.m. to discuss the permit application. Engineer Bents stated that due to the late change in the application, landowners downstream had not had a chance to be notified. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to **table** Permit Application #8-12-09-1 of Paul Borgen to replace a 24” culvert with a 30” culvert, replace a 48” culvert with a 36” culvert, replace a 36” culvert with a 42” culvert approximately 2.5 feet lower in elevation; also reset the new 30’ driveway culvert lower to provide grade; regrade roadway ditches to match new culvert elevations, in Sections 11 and 12 of Georgetown Township until September 9, 2009, meeting to notify downstream landowners of the changes. **Carried.**

10. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to table the following permit applications. **Carried.**

- **John Brandt, Section 18, Green Meadow Township.** Permit Application #8-12-09-4 of John Brandt to widen the roadway ditch to keep the runoff water in the ditch. Landowners in the North half of Section 13, Green Meadow Township will be notified.
- **Mark Habedank, Section 2, Ulen Township.** Permit Application #8-12-09-6 of Mark Habedank to install subsurface drainage tile in Section 2 of Ulen Township. Landowners in the NE1/4 of Section 2 of Ulen Township will be notified.
- **Mattson Farms, Section 4, Riceville Township.** Permit Application #8-12-09-10 of Mattson Farms to install subsurface drainage tile in Section 4 of Riceville Township. Landowners in the NW1/4 of Section 4 of Riceville Township will be notified and the application will need to get Wetland Conservation Act approval and notify the USFWS.

11. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to approve the following permit applications with conditions listed. **Carried.**

- **Kevin Anderson, Section 18, Rockwell Township.** Permit Application #8-12-09-1 of Kevin Anderson to install a field approach and a 24” culvert.
- **Randy Borgen, Section 33, Mary Township.** Permit Application #8-12-09-3 of Randy Borgen to install a culvert and grade the ditch to the south in Section 33 of Mary Township with the condition that the pipe outlet is set at a maximum of 2 feet from the ditch bottom and that the spoil bank is restored to the current elevation and that the applicant is responsible for adequate erosion control measures associated with the project.
- **Mark Habedank, Section 17, Fossum Township.** Permit Application #8-12-09-5 of Mark Habedank to install a field approach and an 18” culvert in Section 17 of Fossum Township.
- **Mark Habedank, Section 31, Fossum Township.** Permit Application #8-12-09-7 of Mark Habedank to install subsurface drainage tile in Section 31 of Fossum Township with the condition that the applicant is responsible for installing adequate erosion control measures at the outlet of the tile system.

- Mark Habedank, Section 5, Fossum Township. Permit Application #8-12-09-8 of Mark Habedank to install subsurface drainage tile in Section 5 of Fossum Township with the condition that the applicant is responsible for installing adequate erosion control measures at the outlet of the tile system and a recommendation that the applicant get approval from the ditch authority for the project.
- Mark Habedank, Section 22, Fossum Township. Permit Application #8-12-09-9 of Mark Habedank to install subsurface drainage tile in Section 22 of Fossum Township with the condition that the application is responsible for installing adequate erosion control measures at the outlet of the tile system.
- Danny Moore, Section 16, Walworth Township. Permit Application #8-12-09-11 of Danny Moore to install a 24" culvert in an existing field approach in Section 16 of Walworth Township, with the recommendation that the applicant gets approval from the road authority for any work within the road right-of-way.
- Kevin Ackerman, Section 12, Good Hope Township. Permit Application #8-12-09-12 of Kevin Ackerman to extend inlet culverts to stabilize ditch banks in Section 12 of Good Hope Township, with the recommendation that the applicant get approval from the road authority and that the applicant is responsible for installing adequate erosion control measures at the outlets.
- Nick Aldrich, Section 2, Pleasant View Township. Permit Application #8-12-09-13 of Nick Aldrich to install a field approach with a 36" culvert in Section 2 of Pleasant View Township.
- David Lee, Section 35 of Georgetown Township. Permit Application #8-12-09-14 of David Lee to install a dike around his farm in Section 35 of Georgetown Township.

12. Signature of Watershed District Checks. A **motion** was made by Manager D Spaeth and **seconded** by Manager J Spaeth authorizing Vice Chairman Ista to sign checks in the absence of the Chairman. **Carried.**

13. Approval of Billings. A **motion** was made by Manager D Spaeth and **seconded** by Manager Erickson to approve the billings dated August 12, 2009, as distributed. **Carried.**

14. NRCS John Beckwith. John Beckwith, NRCS, St. Paul, joined the meeting via teleconference at 2:00 p.m. He discussed a PowerPoint presentation that he sent prior to the meeting time. Discussion items included PL 566-Small Watershed Program; Eligible Purposes; Sponsor Requirements; Financial Assistance Available Through PL-566; Planning Process/Application; USDA/NRCS Water Resources Wet Page; Watershed Operations; Watershed Planning; Potential in the Wild Rice River WS; Watershed Planning Considerations; Watershed Planning Multi-Disciplinary; Estimated Cost; Should be Permit Ready; Possible Next Steps; and the NRCS Probable Response. Beckwith stated that the District's next possible steps could be to consider the information given today, determine whether the NRCS can assist and prioritize where they could be the most assistance. Then make a request to Mr. William Hunt for assistance. Engineer Bents asked Beckwith about the consideration of having a positive BC ratio on agricultural land and the difficulty associated with that. He replied that the Kittson and Two Rivers Project was on agricultural land and did have a positive BC ration, however the cost of the project was not exceptionally high. He also recommended that if the District has a primary project that is their highest priority, they resubmit the request to Beckwith with copies to the area regional offices of the NRCS. Regarding the farm ring dikes funded by the NRCS, Glen Kajewski stated that he had received a call this morning from Mr. William Hunt, NRCS, stating that an additional \$2 Million in funding has been available for ring dikes on the Minnesota side. Beckwith left the meeting at 3:20 p.m.

A **motion** was made by Manager Erickson and **seconded** by Manager D Spaeth authorizing a letter of request be submitted to William Hunt, NRCS, for assistance on the South Branch Watershed, in studying small storage sites, with copies sent to Colleen Oestreich, Ed Musielewicz, Glen Kajewski, Clayton Schmitz and Curtis Borchert. **Carried.** A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik to submit a request to Clayton Schmitz, NRCS, requesting SWAT modeling be done on Moccasin Creek with copies sent to Glen Kajewski, Colleen Oestreich, William Hunt and Curtis Borchert. **Carried.**

15. **Managers Per Diems and Expenses.** A **motion** was made by Manager Holmvik and **seconded** by Manager Spaeth to approve Managers per diems and expenses as distributed. **Carried.**

16. **Financial Report.** Accountant Marcussen distributed information regarding the upcoming general levy and special levies for projects and the administrative budget. This is for Managers review and information prior to the reconvened meeting.

17. **House and Senate Bonding Tour.** Engineer Bents stated that the Red River Basin Commission will be hosting the bonding tour and has requested that each Watershed District put together a one page summary of the projects that we have that will be looking for bonding in 2010. This will build off of the 5 year bonding assessment that the District did a couple of months. A **motion** was made by Manager J Spaeth and **seconded** by Manager D Spaeth authorizing preparation of a one page summary for the Upper Becker Project and the Community Levee Projects to be presented for the bonding tour. **Carried.**

18. **Farmstead Ring Dike Funding.** The Ring Dike Committee composed of Managers Ista, Holmvik and Austinson, along with Loretta Johnson and Engineer Bents met on August 3, 2009, to review the list of applicants for prioritization for the State funded ring dikes. The following six applications were prioritized for 2009 construction: Steve Brammer, Ruth Steen, Leon Miller, Jack Nyberg, Don Pingree and Collin Hendrickson with alternate #1 as Elmer Sorenson and Alternate #2 as John Aas. A **motion** was made by Manager Holmvik and **seconded** by Manager Spaeth to approve the committee's recommendations. **Carried.** Engineer Bents noted that additional Federal funding for ring dikes is available through the NRCS; however the NRCS prioritizes the applicants and forwards that information to the District.

19. **Community Ring Dikes.** It was reported that a meeting is scheduled for 6:00 p.m. on Thursday, August 9, 2009, at Hendrum and at 7:30 p.m. at Shelly.

20. **Mahnomen West Side Drainage.** A **motion** was made by Manager J Spaeth and **seconded** by Manager D Spaeth to approve the Final Pay Request in the amount of \$10,361.39 to Nanik Construction for the Mahnomen West Side Drainage Project. **Carried.** Attorney Hanson will be developing an agreement between either the City of Mahnomen or Mahnomen County to turn the project over to them for future care and maintenance.

21. **Airhart Violation, Section 23, Green Meadow Township.** Mark Aanenson, Houston Engineering, and Manager Christensen reviewed the status of the block in Section 23, Green Meadow Township, along with photos of the site, which indicated that although a small amount of dirt had been dug out the block was not totally removed. A **motion** was made by Manager Erickson and **seconded** by Manager D Spaeth authorizing Attorney Hanson to notify Airhart that he must do a total removal of the blockage or the District will take whatever the appropriate steps are to either proceed with a criminal or civil complaint. **Carried.**

22. Vik Violation. A **motion** was made by Manager Holmvik and **seconded** by Manager J Spaeth authorizing Attorney Hanson to notify Eugene Vik that he is to remove the dike to the proper elevation as soon as possible after August 15, 2009. **Carried**.

23. August Project Team Meeting. Consensus of Managers was not to hold a Project Team meeting in August.

24. Data Practices Policy Revision/Update. Kari Kujava distributed for Managers a draft Data Practices Policy Revision/Update to review. Managers agreed to review the policy and take any action on August 19, 2009.

25. Vice Chairman Ista recessed the meeting at 4:00 p.m. to be reconvened at 8:30 a.m. on Wednesday August 19, 2009, at the District office.

RECONVENED REGULAR MEETING AUGUST 19, 2009

26. The regular meeting of the Wild Rice Watershed District was reconvened at 8:40 a.m. on Wednesday, August 19, 2009, at the District office located at 11 Fifth Avenue East, Ada, MN. The following members were in attendance: Joe Spaeth, Dean Spaeth, Duane Erickson, Diane Ista, Greg Holmvik and Mike Christensen. Absent: John Austinson. In addition the following persons were in attendance: Interim Administrator, Loretta Johnson, Administrative Assistant, Kari Kujava, Engineer Jerry Bents, Attorney Elroy Hanson, Marijo Vik, Mark Habedank, Brian Borgen, Aaron Neubert, Mitch Berg, Brian Dwight. Chairman Christensen called the meeting to order.

27. Mahnomen Flood Control Project. Mitch Berg, Mahnomen City Clerk, met with Managers at 8:40 a.m. Berg expressed his thank you to the board for the consideration they have given to the City of Mahnomen and the funds spent on the Mahnomen Flood Control Project. Berg stated that often times, no one takes the time to thank someone, and he wanted to make sure that they thanked the Watershed District for the flood control project. Berg left the meeting at 8:45 a.m.

28. Vik Lawsuit. Manager Ista questioned the status of the Vik Lawsuit. Attorney Hanson stated that the judge is deciding the summary judgment.

29. Airhart Violation, Section 23, Green Meadow Township. Manager Holmvik volunteered to do a field visit of the Airhart violation to determine if he had removed the blockage as determined necessary.

30. Moccasin Creek Dam. Manager Erickson updated the Managers on the site visit by Dan Shaw, BWSR, to determine the possible impacts to plant life if water was held in the dam area for a longer period of time. Erickson felt the feedback that he heard was positive and there may be the possibility that District could operate the structure during the summer. Dan Shaw hopes to have a response by October 1.

31. Tour of Projects. Manager Spaeth recommended that a project tour be held to show new Managers the projects that the District is and has worked on. He also suggested that staff contact Tom McCauley, Archaeologist for the White Earth Tribe and request that he be available for discussion on the tribe's project on Upper Rice Lake. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth authorizing a project tour to be scheduled for Monday, August 31, 2009, beginning at the District office. **Carried.**

PERMIT APPLICATIONS

32. John Brandt, Section 18, Green Meadow Township. A **motion** was made by Manager J Spaeth and **seconded** by Manager Holmvik to approve Permit Application #8-19-09-6 of John Brandt to widen the roadway ditch to keep the runoff in the ditch in Section 18 of Green Meadow Township. **Carried.**

33. A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik to **table** the following permit applications and bring them to the Project Team for the purpose of working on establishing a two foot bounce on these two projects. **Carried.**

- USFWS, Section 14, Goose Prairie Township. Permit Application #8-19-09-8 of the USFWS to restore wetlands – block ditches and dig out ponds in Section 14 of Goose Prairie Township.
- USFWS, Section 29, Beaulieu Township. Permit Application #8-19-09-9 of the USFWS to restore wetlands – block ditches and dig out ponds in Section 29 of Beaulieu Township.

34. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to approve the following permit applications with conditions as listed. **Carried.**

- **Wayne Stevenson, Section 8, Viding Township.** Permit Application #8-19-09-1 of Wayne Stevenson to install subsurface drainage tile in Section 8 of Viding Township.
- **Mark Habedank, Section 2, Ulen Township.** Permit Application #8-19-09-2 of Mark Habedank to install subsurface drainage tile in Section 2 of Ulen Township.
- **Mark Habedank, Section 30, Flom Township.** Permit Application #8-19-09-3 of Mark Habedank to install a dry block field approach and install another field approach with a 48” culvert, clean out and slope ditches in Section 30 of Flom Township.
- **LaGarde Township, Section 33.** Permit Application #8-19-09-5 of Lagarde Township to remove a 36” CMP and replace another 36” damaged culvert with a 42” culvert.

35. **Goodhope Township, Sections 29/30.** A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to **deny** Permit Application #8-19-09-7 of Goodhope Township to replace a centerline 18” CMP with a 36” CMP through a township road in Sections 29/30 of Good Hope Township, due to downstream impacts. **Carried.**

36. **Mattson Farms, Section 4, Riceville Township.** A **motion** was made by Manager Ista and **seconded** by Manager Erickson to approve Permit Application #8-19-09-4 of Mattson Farms to install subsurface drainage tile and fill in the ditch in Section 4 of Riceville Township with the condition that the permit meets with the approval of the DNR, NRSC and Becker County SWCD. Written approval must be received by the Watershed District from these agencies prior to any work being done. **Carried.**

37. **Small Project Requests.** Aaron Neubert, MCSWCD met with Managers requesting funding assistance for the Greg Syverson shoreline protection project in the amount of \$1,817.50 and the James Nelson shoreline protection project in the amount of \$2,412.25 for a total of \$4,229.75. Manager Erickson felt that the District should consider this request and pay the funds. Discussion ensued. Engineer Bents and Attorney Hanson brought up the fact that Soil and Water Conservation Districts may petition the watershed district to assess a special ad valorem tax if the need funds for special projects. A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik to pay for the two requests. Managers D Spaeth, J Spaeth and Christensen opposed and Managers Erickson, Holmvik and Ista for. **Motion failed due to lack of a majority.** A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth authorizing Attorney Hanson to provide a copy of a petition to the Soil and Watershed Districts for the purpose of petitioning the District for an ad valorem tax for projects. **Carried.**

38. **Water Management District (WMD).** Attorney Hanson reported that he conferred with Attorney Von Korff regarding the process of establishing a WMD. Von Korff recommended that the District first change the amendment to establish a WMD to the Board of Water and Soil Resources. Hanson stated that he could provide a draft copy to the Board at the September meeting. He stated that he could also provide a draft ordinance for the Board and leave the rates per acre blank for the present time. Brian Dwight stated that the District would petition the BWSR and they would hold a public hearing and take testimony. Their approval would be based on the feedback from the public at the hearing. He also reminded Managers that the current Water Management Plan needs to be updated in 2013. Manager Erickson stated that he was concerned with the cost of the Upper Becker Project and how it should be approached. Providing an informational packet was discussed for the upcoming landowner meeting to be held on August 24, but the consensus of Managers was to wait until more information is available and a larger meeting is scheduled.

39. Wild Rice Watershed District Loans. Attorney Hanson stated that the question was raised determining if the funding in the amount of \$600,000 received from the Red River Watershed Management Board (RRWMB) was considered a loan. Hanson stated that he contacted the Attorney General's office and the Office of the State Auditor and they both concurred that it was not a loan, rather an advance of funding to come from the state or the NDR.

40. Unemployment Laws for the District. Attorney Hanson and Accountant Marcussen explained the unemployment laws regarding government organizations as the question had been raised at an earlier meeting.

41. Community Levees. Engineer Bents reported on meetings that he and Manager Ista have attended with local city councils including Hendrum, Shelly, Borup and Perley to assist them with additional flood protection. To have more information distributed and for purpose of saving time and funds, it was decided to hold monthly meetings on the fourth Wednesday evening at 7:00 p.m. at Hendrum Community Center for all cities together. This would give the opportunity to distribute information to everyone at the same time. Engineer Bents stated that discussions were held regarding the cities each petitioning the District for assistance in funding their local share of the project. Bents stated that the District would do this in the form of a loan to the cities and that the District would ask the State of Minnesota for two individual grants, one for land acquisition and final design and one to do the actual construction of the project. This would safeguard the grant agreement funds, on completing each portion, if the construction weren't moved forward in the necessary time. Bents stated that the District could require verbiage in the petition that would stipulate that the cities would have to pay the District back funds if each city decided well into the project that they were not going to continue. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik authorizing Attorney Hanson to prepare a sample petition for cities that are requesting assistance with the program. **Carried**. Consensus of Managers was that each city could have representation from a Manager in their county to attend meetings along with Engineer Bents and Manager Ista.

42. FEMA Floodplain Coordinator. Engineer Bents stated that Norman and Mahnomen County have set up a team of flood plain coordinators to work on floodplain maps that are due for release in 2012. A **motion** was made by Manager J Spaeth and **seconded** by Manager Ista authorizing District participation in the team. **Carried**.

43. Attorney Hanson left the meeting at noon.

44. Farmstead Ring Dikes. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to approve advertising for bids on Tuesday, September 8, 2009, for the following ring dike constructions. Brammer, Hendrickson, Miller, Nyberg, Pingree, Steen, Borgen, Carlson, Gilbertson, Guttormson, Hoff and Scherfenberg. **Carried**. A **motion** was made by Manager D Spaeth and **seconded** by Manager J Spaeth authorizing approval of the ring dike construction to use borrow from the District's Tarazon property purchased through the 1997 FEMA acquisition program for the Carlson ring dike. **Carried**. Loretta Johnson reported that one farmstead ring dike applicant requested additional time and/or payments to come up with the total cost share of their funding. Consensus of Managers was to table the request at this time.

45. FEMA Project Update. Engineer Bents distributed information illustrating the FEMA repair sites, amounts approved by FEMA, Houston Engineering estimated costs and the difference.

- Site #10, Section 25 Viding Township, South Branch Wild Rice River. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to approve the proposed repair with the riprap. **Carried**.

- Site #13, Section 16, Mary Township, Project #9, South Branch. A **motion** was made by Manager Holmvik and **seconded** by Manager Ista to approve Site #13 and work with landowner regarding the necessary land acquisition. **Carried.**
- Site #32, Project #12, Wild Rice Township Ditch Outlet. A **motion** was made by Manager J Spaeth and **seconded** by Manager Christensen to approve the less costly repair. **Carried.**
- Site #34, Project #1, Norman County Ditch #1. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to approve Site #34 and acquire right of way. **Carried.**
- Site #36, Section 7, Green Meadow Township, Project #30. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to approve Site #36 and authorize negotiations with neighboring landowner for a setback to the south. **Carried.**
- Site #41, Section 3, Mary Township; Site #45, Section 23, McDonaldsville Township; Site #49, Section 14, McDonaldsville Township. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to approve Site #s 41, 45, and 49. **Carried.**
- Site #40, Section 3, Mary Township. A **motion** was made by Manager D Spaeth and **seconded** by manager Holmvik to approve Site #40 with the 50 foot setback. **Carried.**
- Site #52, Section 18, Lake Ida Township. Engineer Bents reported that since this is a large project it may be well to have an informational meeting for landowners. A **motion** was made by Manager Holmvik and **seconded** by Manager Erickson authorizing preparation of plans and specifications and an informational meeting for landowners. **Carried.**

46. Lower Wild Rice River TMDL Implementation. The TMDL Study was completed by the MPCA and is awaiting approval from the EPA (we have since found out it has been approved. The WRWD, SWCDs, and MPCA are working to complete the TMDL Implementation Plan. Once completed and approved by the MPCA, this will allow the WRWD and SWCDs to be eligible for additional Clean Water Legacy Act funding.

47. Minnesota House Capital Investment Committee Legislative Tour September 2, 2009. Loretta Johnson distributed an email from Brenda Elmer, who has been scheduling the Red River Basin Legislative Bonding Tour which will view projects for capital bonding in the Red River Basin. A **motion** was made by Manager J Spaeth and **seconded** by Manager Holmvik authorizing Engineer Bents and Manager Ista to attend the tour. **Carried.**

48. Kuechle Complaint, Section 4, Wild Rice Township. Loretta Johnson distributed copies of information regarding the Kuechle complaint received stating that a block had been put in Section 4 of Wild Rice Township. This item was previously discussed by the board and the action at that time was to notify Kuechle that the District did not have enough evidence to prove a violation existed. Consensus of Managers was to notify Kuechle that the action by the District remains the same, however if he would like assistance from a Manager in negotiating with the neighboring landowner, he may contact Manager Christensen and he will assist.

49. Farmstead Ring Dike. A **motion** was made by Manager Erickson and **seconded** by Manager D Spaeth to accept the payment proposal submitted by Millers and notify them of such. **Carried.**

50. USGS/WRWD Sediment Study Grant Application. Engineer Bents discussed the five year grant that the District has with the USGS for studying sediment transport on the South Branch. Bents stated that the MPCA paid with a grant to the District for \$10,000 per year, for the first two years, however the District is obligated to pay the balance unless other funding is obtained. A **motion** was made by Manager Ista and **seconded** by Manager J Spaeth authorizing staff to apply for a grant through the MPCA to fund for the balance of the application. **Carried.**

51. Project Special Levies for 2010. A **motion** was made by Manager Holmvik and **seconded** by Manager Erickson to approve the levies as distributed. Erickson withdrew second. Manager Holmvik amended the motion and Manager D Spaeth seconded the motion to approve the following spreadsheet which includes an increase from 4-6% on Project #12, of levies for the District Projects for the year 2010. **Carried** with Manager Erickson voted no.

FINANCIAL FOR LEVIES IN 2010

As of
7/31/2009

	CURRENT BLACK	STATUS RED	BENEFITS PER AUDITOR	BENEFITS FOR OUR RECORD	LEVIED FOR 2009	EST TO BE PD IN 2009	APPROVED % FOR 2010	ANT REVENUE
SURVEY & DATA	14,338.90		-					
WKS OF COM BENFT	36,291.70		-					
UP REACHES		(147,295.89)	117,788.73		100.00%	117,788.73	100%	117,788.73
PROJ #1	8,077.25		76,785.66		5.00%	3,839.28	10.00%	7,678.57
PROJ#2	45,713.54		276,749.74		2.00%	5,534.99	1.00%	2,767.50
PROJ #3	12,063.80		53,000.00		1.00%	530.00	1.00%	530.00
PROJ #6	10,366.80		99,322.58		4.00%	3,972.90	4.00%	3,972.90
PROJ #8		(7,169.48)						
PROJ #10		(0.61)						
PROJ #12		(15,046.80)	119,888.00		4.00%	4,795.52	6.00%	7,193.28
PROJ #13	9,681.50		1,510,030.90		0.50%	7,550.15	0.25%	3,775.08
PROJ #16	3,365.30			172,848.25			2.00%	
PROJ #17	25,362.08			496,711.70	0.50%	2,483.56	-	
PROJ #18	76,806.21			1,158,183.00	0.75%	8,686.37	0.75%	8,686.37
PROJ #19	48,572.43			1,523,118.75	0.50%	7,615.59	0.50%	7,615.59
PROJ #23	37,814.92		321,000.00				-	
PROJ #24	19,235.97		542,587.50		1.00%	5,425.88	1.00%	5,425.88
PROJ #25	41,507.40		271,712.50				-	
PROJ #30		(54,687.80)	1,785,424.20		3.00%	53,562.73	3.00%	53,562.73
PROJ #31	1,929.57		486,243.00		2.00%	9,724.86	2.00%	9,724.86
PROJ #32	19,875.06		1,100,380.50		0.50%	5,501.90	0.25%	2,750.95
PROJ #35		(701.74)						
PROJ #38		(16,356.76)						
PROJ #39		(1,066.05)	-					
PROJ #4	67,007.16							
NORMAN CO.			416,745.84		1.00%	4,167.46	1.00%	4,167.46
CLAY CO			610,333.70		1.00%	6,103.34	1.00%	6,103.34
BECKER CO			145,695.20		1.00%	1,456.95	1.00%	1,456.95
TOTAL			1,172,774.74					11,727.75

As of 7/31/2009	CURRENT BLACK	STATUS RED	BENEFITS PER AUDITOR	BENEFITS FOR OUR RECORD	LEVIED FOR 2009	EST TO BE PD IN 2009	APPROVED % FOR 2010	ANT REVENUE
PROJ #5	206,682.69							
NORMAN CO			2,358,054.06		0.50%	11,790.27	0.50%	11,790.27
POLK CO			<u>938,893.16</u>		0.50%	4,694.47	0.50%	<u>4,694.47</u>
TOTAL			3,296,947.22					16,484.74
PROJ #9	223,704.54							
NORMAN CO			1,778,715.80		0.50%	8,893.58	0.50%	8,893.58
CLAY CO			<u>4,385,038.40</u>		0.50%	21,925.19	0.50%	<u>21,925.19</u>
TOTAL			6,163,754.20					30,818.77
PROJ #14	14,988.24							
NORMAN CO			403,744.44		0.50%	2,018.72	0.50%	2,018.72
POLK CO			<u>13,100.00</u>		0.50%	65.50	0.50%	<u>65.50</u>
TOTAL			416,844.44					2,084.22
PROJ #40 N & C COUNTY	15,990.34			806,163.10	0.50%	4,030.82	0.50%	4,030.82
TOTAL								
JD #56 MAIN	35,922.93							
NORMAN CO			197,053.00		2.00%	3,941.06	2.00%	3,941.06
CLAY CO			<u>733,510.00</u>		2.00%	14,670.20	2.00%	<u>14,670.20</u>
TOTAL			930,563.00					18,611.26
BECKER CO								
PROJ #29	4,690.08			207,536.25	2.00%	4,150.73	2.00%	4,150.73
CLAY CO								
PROJ #20	38,013.37		3,157,178.50		1.00%	31,571.79	1.00%	31,571.79
MAHN. CO								
PROJ #27	6,216.42			154,739.40	1.00%	1,547.39	1.00%	1,547.39
PROJ #34	20,071.85			138,429.75	1.00%	1,384.30	1.00%	1,384.30
NORMAN CO								
#11	5,889.54			28,755.00				
#15	2,557.93			5,516.40	50.00%	2,758.20	50.00%	2,758.20
#18	25,516.90		54,998.00					
#18 LAT #1	1,007.00			3,300.00				
#21	912.78			3,586.00	50.00%	1,793.00	50.00%	1,793.00
#37	540.11		18,944.50		50.00%	9,472.25	50.00%	9,472.25
JD 53 MAIN		(105,939.61)	75,338.00		50.00%	37,669.00	50.00%	37,669.00
JD #53 LAT 1	13,996.14		400,876.00		1.00%	4,008.76	1.00%	4,008.76
JD #53 LAT 2	20,277.38		70,425.52			-		

As of 7/31/2009	CURRENT BLACK	STATUS RED	BENEFITS PER AUDITOR	BENEFITS FOR OUR RECORD	LEVIED FOR 2009	EST TO BE PD IN 2009	APPROVED % FOR 2010	ANT REVENUE
CLAY CO								
#6	2,179.87			61,673.00	5.00%	3,083.65	10.00%	6,167.30
#7	2,565.00		47,687.64					
#8	1,987.59		281,737.48		1.00%	2,817.37	2.50%	7,043.44
#14		(39,409.55)		374,185.30	4.00%	14,967.41	4.50%	16,838.34
#18		(6,585.47)		16,924.60	40.00%	6,769.84	50.00%	8,462.30
#42	963.14			13,133.13	15.00%	1,969.97	15.00%	1,969.97
#44	6,309.59			22,059.32	5.00%	1,102.97	5.00%	1,102.97
#52	7,842.42			14,366.56	5.00%	718.33	5.00%	718.33
JD #56 LAT 1	18,386.18			811,662.93	1.00%	8,116.63	1.00%	8,116.63

52. Proposed 2010 Administrative Budget. The proposed 2010 Administrative Budget for consideration at the budget hearing in September was distributed for review. A **motion** was made by Manager Ista to approve pursuant to Chapter 162, laws of 1976, as amended, and under the direction from the Red River Watershed Management Board, the proposed levy of .0004836 times the taxable market value of the property in each county that lies within the District for the Red River Watershed Management Fund, one-half of which remains in the Wild Rice Watershed District for construction and maintenance of projects and one half provided to the Red River Watershed Management Board for projects and programs of common benefit to more than one member district and that the following proposed budget be adopted for consideration at the budget hearing scheduled for 10:00 a.m. on Wednesday September 9, 2009, at the office of the Wild Rice Watershed District located at 11 Fifth Avenue East, Ada, MN. Manager J Spaeth **seconded** the motion for the adoption of the 2010 proposed administrative budget and, upon the vote being taken, the same was declared unanimously approved and **carried**.

PROPOSED BUDGET FOR ADMINISTRATIVE ACCOUNT

Utilities	\$	13,000.00
Advisory Board		1,000.00
Supplies, Publications and Postage		18,000.00
Insurance and Bonds		17,500.00
Engineering		22,000.00
Admin. Salaries		86,000.00
Legal Fees		9,500.00
Accounting Fees		8,500.00
Managers' Per Diem		25,000.00
Managers Expenses		20,000.00
Annual Report/Audits		8,000.00
Organization Dues		2,500.00
Overall Plan (10 Year)		1,500.00
Capital Improvements (10 Year)		12,500.00
Mediation Project Team		5,000.00
Total	\$	<u>250,000.00</u>

53. Financial Report July 31, 2009. Accountant Marcussen distributed the Financial Report dated July 31, 2009, for Managers review. A **motion** was made by Manager D Spaeth and **seconded** by Manager Erickson to approve the financial report as distributed. **Carried**.

54. December 31, 2008, Transfers to Close Accounts. A **motion** was made by Manager J Spaeth and **seconded** by Manager Erickson to approve the following spreadsheet of transfers as of December 31, 2008. **Carried.**

WILD RICE WATERSHED DISTRICT TRANSFERS YEAR ENDING 12/31/2008			
FUND DESCRIPTION	BALANCE 12/31/2008	RRWMB CONSTRUCTION	WORKS OF COMMON BENEFIT
Permits & Investigations/Violations	(34,218.26)	34,218.26	
Public Information/Data Request	(10,507.05)		10,507.05
Ring Dikes/WRWD Share 12.5%	(90,000.00)	90,000.00	
Felton Sub-Watershed Plan	(2,306.50)	2,306.50	
WRR COE Feasibility Study	(209,818.18)	209,818.18	
J Bennett Litigation	(5,045.74)		5,045.74
#204 Marsh Creek COE 205	(147.39)	147.39	
Upper Felton Ditch Storage	(1.06)	1.06	
SWCD Storage Sites	(14,071.07)	14,071.07	
Home Lake	(251.26)	251.26	
Legislative Funding	(776.58)	776.25	
South Branch Storage	(23,401.06)	23,401.06	
WRWD Water Res Development Plan	(7,754.25)	7,754.25	
MPCA Sediment Study	(3,873.24)	3,873.24	
RV Dam Reevaluation	(14,502.57)	14,502.57	
Mahnomen Drainage Project	(29,483.63)	29,483.63	
Home Lake DNR Permit	(3,585.73)	3,585.73	
Upper Felton Alternative Site	(6,479.54)	6,179.54	
TMDL Study WRR	(2,077.47)	2,077.47	
Lakeman Culvert Issue	(463.69)	463.69	
Heitman Project	(5,063.03)	5,063.03	
Hydraulic Analysis Marsh Creek	(1,696.39)	1,696.39	
Litigation Matters	(11,385.96)	11,385.96	
Flood Storage Investigation	(276.25)	276.25	
Bennett Lawsuit	(1,455.00)	1,455.00	
Borgen Lawsuit	(612.00)	612.00	
Upper Marsh Creek Storage	(497.00)	497.00	
Northern Improvement	(4,215.62)	4,215.62	
Project #8 Moccasin Creek	(4,310.93)	4,310.93	
Project #10 Mashaug Creek	(0.61)	0.61	
Project #35, Sande Detention	(466.39)	466.39	
Project #38 Rockwell Dam	(16,117.36)	16,117.36	
Project #39 Mashaug Dam	(873.50)	873.50	
BWSR Ditch Mapping Grant	(4,980.00)	4,980.00	
Totals to be Transferred as of 12/31/2008	(510,714.31)	494,861.19	15,552.79

55. Petty Cash Reimbursement. A **motion** was made by Manager Ista and **seconded** by Manager Erickson to approve reimbursing the Petty Cash Account in the amount of \$91.05, for a total of \$100 in the account. **Carried.**

56. 2009 FEMA Acquisition of Rural Homes. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth authorizing Ken Buchanan to contract with the Wild Rice Watershed District to do substantial damage determinations, square footage, replacement value and year built on the homes to be submitted to the State of MN for the FEMA grant application. **Carried.**

57. NRCS/BWSR Request for Support. A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik to submit a request for support on the two foot bounce with a ten day draw down, agreed on by the Flood Damage Reduction Work Group for any State lands, USFWS, DNR, WRP and CRP and RIM Programs. Copies are to be mailed to William Hunt and the Fergus Falls NRCS office. **Carried.**

58. Kaleidoscope. Manager Ista offered to continue speaking on Kaleidoscope the first Monday of every month until another Manager offers to do so.

59. Administrative Applications. The Personnel Committee reported that they were reviewing the hiring process with Marijo Vik and will be meeting on Thursday August 27, to be reviewing the applications. They intend to reduce the applications to four – six, send them a formal application and bring back to the Board of Managers and begin interviews. A **motion** was made by Manager Holmvik and **seconded** by Manager J Spaeth authorizing the Personnel committee to continue the process of the applications for Administrator. **Carried.**

60. Finance Committee Report. The finance committee reported that the Administrator's laptop mother board quit and a new laptop was purchased for the new administrator. A **motion** was made by Manager Holmvik and **seconded** by Manager Erickson to offer staff a 3% raise on salary and medical benefits retroactive to employment date and \$250 per week during the time of no administrator. **Carried.**

61. Meeting Minutes Approval. A **motion** was made by Manager Ista and **seconded** by Manager Erickson to approve the regular meeting minutes for June 10 and 17, the regular meeting minutes for July 8 and 15 and the special meeting for July 28, 2009. **Carried.**

62. MAWD Meeting. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth approving all Managers attendance at the MAWD Leadership Workshop scheduled for September 11 and 12, 2009, at the Holiday Inn in Alexandria. **Carried.**

63. There being no further business to come before the Board of Managers a **motion** was made by Manager Holmvik and **seconded** by Manager Erickson to adjourn the meeting. **Carried.** Chairman Christensen adjourned the meeting at 4:25 p.m.

Secretary John Austinson

Date	Num	Name	Memo	Amount
Jun 11 - Jul 8, 09				
06/11/2009	12311	ICS Agency	District Insurance	-6,089.00
06/16/2009	12339	Cyril F. Flicek	Easement Mahnomen Project	-3,000.00
06/16/2009	12340	George and Shirley Read	Easement Upper Becker	-5,000.00
06/22/2009	12274	Clayton & April, Larry & Kathleen Richard	Easement	-5,000.00
07/08/2009	12318	All Seasons	Pay Request	-52,429.00
07/08/2009	12319	AmeriPride	rug rental	-62.53
07/08/2009	12320	Arvid L Ambuehl	Upper Reaches	-4,810.00
07/08/2009	12321	Cardmember Service	June billing invoices	-3,888.92
07/08/2009	12322	City of Ada	Electricity	-280.74
07/08/2009	12323	D & J Excavating	Final Grothe, Myers, Kane, Christianson	-6,932.83
07/08/2009	12324	Diane Ista	per diem	-259.05
07/08/2009	12325	Drees, Risky & Vallager, Ltd.	Auditor Consultation	-972.00
07/08/2009	12326	Duane Erickson-Mgr	per diem	-378.63
07/08/2009	12327	Gordon Construction	FEMA 09 Repairs	-24,230.00
07/08/2009	12328	Greg Holmvik	per diem	-295.52
07/08/2009	12329	Grinnell Mutual Payment Center	Business Owners Insurance	-1,624.00
07/08/2009	12330	Houston Engineering, Inc.	Engineering fees	-50,610.13
07/08/2009	12331	James Wagner, Sr.	Beaver Control	-2,829.50
07/08/2009	12332	Joe Spaeth	per diem	-345.40
07/08/2009	12342	John Austinson	per diem	-138.52
07/08/2009	12345	Kevin Erickson	Office Mowing	-150.00
07/08/2009	12346	Loretel Systems	Utilities	-336.99
07/08/2009	12349	Lyle Wilkens Inc	Final Pay Request	-5,094.20
07/08/2009	12350	Mahnomen Soil & Water Cons. District	Newsletter	-440.50
07/08/2009	12351	MARCO, Inc. Maintenance	Copier/Printer	-1,160.90
07/08/2009	12352	Marcussen Accounting	Inv #3648	-462.00
07/08/2009	12353	Mike Christensen	pre diem	-811.69
07/08/2009	12354	Minnesota Energy Resources Corporation	Utilities	-40.44
07/08/2009	12355	Nanik Construction	Pay Req #3	-13,306.05
07/08/2009	12356	Norman County Treasurer	Beaver Control	-16.00
07/08/2009	12357	North Star Water	Water for Office	-53.55
07/08/2009	12358	Office Supplies Plus	Office Supplies	-172.95
07/08/2009	12359	Ralph's Food Pride	Supplies for Office	-68.43
07/08/2009	12360	Renae Kappes	June Cleaning	-100.00
07/08/2009	12361	Rinke Noonan	Legal Fees thru 5-31-09	-2,389.00
07/08/2009	12362	Roger Hennen	FEMA Rep Proj #30	-1,235.92
07/08/2009	12363	Solberg, Stewart, Miller & Tjon	Replace Check #12296	-1,254.00
07/08/2009	12364	Tim Halle	Mahnomen SWCD News	-245.00
07/08/2009	12365	Wambach & Hanson	July Billings	-2,757.70
07/08/2009	12366	Wesley Carlsrud	spraying	-6,750.00
07/08/2009	12367	Wm Nichol Excavating, Inc	FEMA Cleanup	-11,900.00
07/08/2009	12369	Diane Ista	exp reimburse	-104.50
07/08/2009	12370	Duane Erickson-Mgr	exp reimburse	-206.31
07/08/2009	12371	Greg Holmvik	mileage	-66.00
07/08/2009	12372	Joe Spaeth	exp reimburse	-183.07
07/08/2009	12373	John Austinson	exp reimburse	-61.60
07/08/2009	12374	Mike Christensen	exp reimburse	-461.81
07/08/2009		Payroll/emp ins &	Med exp & Payroll taxes	-5,482.72
Total				<u>-224,487.10</u>