

# WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East

Ada, MN 56510

Ph: 218-784-5501

## REGULAR MEETING

October 8, 2008

### Approved Minutes

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday October 8, 2008. Managers in attendance include Diane Ista, Bob Wright, Warren Seykora, Mike Christensen, Don Vellenga, Dave Vipond and Joe Spaeth. Absent: None. In addition the following persons were in attendance: Administrator Dalen, Engineer Jerry Bents, Attorney Elroy Hanson, Tim Halle, Loretta Johnson, Brian Borgen, Dave Stumbo, Duane Erickson, Mark Chisholm, Horace Ooley, Brent Kappes, Mark Harless, Dick Smith, Bob Braseth, Bruce Tufte, Steve Jacobson, Tom Kolness, John Austinson, Blair Tufte, Clayton Schmitz, Ron Thorsrud, Michele Puchalski, Kevin Jensen, Corey Hanson, Floyd Hanson, Chuck Ruebke, Leon Johnson, Steve Jacobson, Jeff Hoff, Harlan Swenson, Mark Chisholm, Roger Kurpius, Dwight Heitman, Blair Tufte, Curtis Borchert, and Attorney Jerry Von Korff via teleconference.
2. Chairman Seykora called the meeting to order at 8:30 a.m.
3. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the agenda with the addition of discussion about the following items: ring dike meeting, committees, District litigation, Managers bonds, DNR meeting October 30, resolutions, State Audit, Advisory Committee, BWSR presentation, NRCS letter and ARC Trail Deed. Carried.
4. Open Microphone. There was no discussion during the open microphone time slot. Administrator Dalen suggested beginning next month using a portion of the open microphone time following Project #42 discussion to give landowners a time to ask questions. Consensus of Managers was to use approximately 10 minutes following Project 42 discussion for this purpose.
5. Upper Felton Project. Engineer Bents suggested choosing a subcommittee from the Project Team including Henry Van Offelen, Brian Dwight, Kevin Kassenborg and Dave Friedl to meet at Houston Engineering, where the technology and information would be readily available, as a working group to review the sites on the Upper Felton Project that landowners have offered up for a possible storage. A motion was made by Manager Vellenga and seconded by Manager Vipond to approve the committee as recommended, including Engineer Bents and Managers Ista and Vellenga to review voluntary sites. Carried.
6. Upper Reaches Project Bank Erosion Repair, Section 3, Mary Township. Engineer Bents distributed a plan and estimate to repair bank erosion on the east side of the river approximately ¼ mile north of the CR #33 Bridge (a.k.a. Billy Lee Bridge) over the Wild Rice River. The estimated cost of construction for this option is \$65,000. A motion was made by Manager Ista and seconded by Manager Vellenga to table a decision and allow staff time to contact landowners to determine if a setback levee would be possible and bring the information back to the Special Meeting on October 20, 2008. Carried.

7. Project #42. Engineer Bents distributed a proposed schedule for both Upper Becker and C.D. #18 and reviewed it with the Managers. He stated that a good set of plans will be available by mid November and it might be prudent to hold another landowner meeting. Administrator Dalen stated that he continues to work with landowners on the Upper Becker site, including the three properties that are a key success to the project. He felt that he would have options hopefully by the end of the year. Dalen distributed an appraisal prepared by Alerus for the purpose of flowage easements, which will be discussed at the November meeting. A motion was made by Manager Spaeth and seconded by Manager Wright authorizing Administrator Dalen to continue to pursue acquisition on the Upper Becker Dam site. Carried.

8. Wild Rice River Evaluation Committee. Manager Christensen stated that there had not been a meeting of the committee and agreed that he will talk with other members about holding a meeting. Discussion was held regarding inviting a staffer from Congressman Peterson's office to the next committee meeting.

9. Special Meeting. A motion was made by Manager Vipond and seconded by Manager Ista to schedule a special meeting for 8:30 a.m. on Monday October 20, 2008, at the District office for the purpose of permits and additional agenda items. Carried.

10. DNR Meeting with Commissioner Holsten. A motion was made by Manager Ista and seconded by Manager Vellenga authorizing a meeting with DNR Commissioner Holsten on October 30, 2008. Carried.

11. Mahnomen West Side Drainage. Administrator Dalen reported that the land acquisition process is working well and distributed an estimated construction cost of \$106,467 which includes contingencies. Consensus of Managers was to table any action until the special meeting on the 20<sup>th</sup> of October as the project will be bid at 10:00 a.m. on October 17.

12. Moccasin Creek Dam. Engineer Bents reported that the permit application has been submitted to the DNR and was sent out by their office for interagency review. Michele Puchalski stated that she has some substantial comments that need to be addressed and she plans to have a report to the District done by next week.

13. Ada COE Section 205 Study. Manager Vellenga updated the Managers on the status of a recent meeting held with COE personnel and the City of Ada regarding the proposed COE levee around the city. The Watershed District will have an interest in the project due to J.D. #51 ditch being involved.

## **PERMITS**

14. Mark Chisholm, Section 6, Strand Township. Considerable discussion was held by landowners downstream of the site, in opposition to the permit due to increased water both on their property and the Green Meadow Dam. Upon the engineer's recommendation a motion was made by Manager Vipond and seconded by Manager Wright to deny Permit Application #10-8-08-3 of Mark Chisholm to install a 60" centerline culvert in Section 6, Strand Township due to downstream impacts. Carried. Manager Ista opposed. Floyd Hanson and Leon Johnson requested that downstream landowners be notified of any permits that might cause additional water into the Green Meadow Dam.

5. James Regstad, Section 18, Mary Township. A motion was made by Manger Ista and seconded by Manager Vellenga to approve Permit Application #10-8-08-2 of James Regstad to lower the dike, install a field approach and an 18" pipe on the south end as shown in the attached exhibit with the condition that the dike shall not be lowered below the natural grade (i.e. adjacent elevation). Carried.

16. Eugene Vik Violation/Permit Section 35/36 Hegne Township. Curtis Borchert, Roger Kurpius, Dwight Heitman, Bruce Tufte, Blaire Tufte, Duane Erickson, Clayton Schmitz were in attendance to discuss violation/complaint of Vik. Kurpius originally filed a complaint against Vik for building a dike without a permit in Section 35/36 of Hegne Township. To rectify the violation, a permit was submitted to modify an existing dike, install new ditches and dikes, and a flood control structure on the Heitman Coulee. Curtis Borchert and the Norman County SWCD has been working with landowners and Vik to come to an agreement on the violation and also to protect landowners in the immediate area from recurring flooding and requested that the District table action until they seek additional assistance from the NRCS. Chairman Seykora asked Roger Kurpius if he would be willing to suspend his complaint until such time, and Kurpius agreed. A motion was made by Manager Wright and seconded by Manager Spaeth to table Permit Application #10-8-08-4 of Eugene Vik for work in Section 35/36 of Hegne Township, notifying Vik that the District will take action on the permit when specific plans for the work are provided to the District. Carried. Roger Kurpius asked if there is a statute of limitations on acting on a complaint/violation to which Attorney Hanson stated that there is, however the District acted on the complaint and will be acting on it when specific plans are provided.

17. Heitman Coulee. A motion was made by Manager Ista and seconded by Manager Vipond authorizing Manager Vellenga to act as liaison and work with landowners and the NRCS on a plan to provide some flood protection for landowners on the Heitman Coulee outlet. Carried. Chairman Seykora opposed.

18. J.D. #53 Main, Repair, Section 29, Shelly Township. A motion was made by Manager Wright and seconded by Manager Christensen authorizing execution of the two Options to Purchase and paying \$500 each Option for right of way on the repair of J.D. #53 Main in Section 29 of Shelly Township. The total cost of the 12 acre right of way land acquisition is approximately \$28,700. Carried.

19. Wild Rice River TMDL Study. Engineer Bents reported on the MPCA study and asked if the Managers would like official comment from the Wild Rice Watershed District. A motion was made by Manager Ista and seconded by Manager Vipond authorizing Engineer Bents provide written comment that the WRWD would like to see the MPCA complete a spatial watershed yield model (i.e. SWAT,...) to identify more distinctly where the sediment load is coming from before finalizing the TMDL study. Carried.

20. Acquisition 2002. A motion was made by Manager Vellenga and seconded by Manager Wright authorizing a final payment in the amount of \$1,850 to Ziegler Construction, Inc. for demolition of the Lee and Merkens properties in the 2002 acquisition program. Carried.

21. Attorney Jerry Von Korff is at the meeting via teleconference at 1:00 p.m.

22. A motion was made by Manager Spaeth and seconded by Manager Vipond to close the meeting to seek advice of council to discuss the current litigation of the District. Carried. The meeting was closed at 1:05 p.m.

23. The regular meeting was reconvened at 2:05 p.m.

24. Agassiz Recreational Trail Deed. A motion was made by Manager Vellenga and seconded by Manager Wright authorizing Chairman Seykora to execute a Quit Claim Deed for property located in Sections 16 of Wild Rice Township and 4 of Sundal Township from the Wild Rice Watershed District to the Agassiz Recreational Trail, reserving an easement for ingress and egress by the District. Carried.

25. Performance Review of Consultants. Administrator Dalen stated he would complete the performance review of consultants and provide to the Managers at the November meeting.

26. Managers Bond. Consensus of Managers was for Administrator Dalen to contact the District's insurance carrier for the purpose of determining District insurance coverage of Managers.

27. Farmstead Ring Dikes. Engineer Bents provided an updated financial report on the status of the ring dike program. Bents stated that there will be approximately \$65,000 available in the ring dike grant which will expire June 30, 2009. This amount would provide enough funding to build an additional dike. Bents stated that it is not necessary to do public advertising if the construction cost is under \$50,000, which is important due to the lack of time. Managers prioritized remaining applicants. A motion was made by Manager Ista and seconded by Manager Wright placing George Kane and Keith Stevenson as numbers one and two on the list. Carried.

28. Clay County Ditch #18 Cleanout, Section 14, Goose Prairie Township. A motion was made by Manager Vipond and seconded by Manager Ista authorizing the District to precede with CD #18 cleanout and obtain easements for the disposal of the spoil pending on receiving agency approval. Carried.

29. WMD Update. Administrator Dalen reported that he and Engineer Bents met with Clearwater County Commissioners regarding the WMD, at which time Clearwater County requested another meeting. A motion was made by Manager Vellenga and seconded by Manager Christensen authorizing special meetings with both the Clearwater and Norman County Commissioners. Carried. Manager Ista opposed. Manager Ista suggested making changes to the draft ordinance that have been discussed at various meetings. Consensus of Managers was for staff to draft a list of changes that can be used by Commissioners to compare to the original draft.

30. Wild Rice River Corridor. Engineer Bents reported on the WRR Corridor project. Ron Harnack has been working on establishing a project funded by the RIM program that would provide for a voluntary sign up by landowners as an opportunity to place recurring flooded property along the Wild Rice River corridor into the program and be paid for through the RIM program. The payment rates would be based on the Estimated Market Values provided by the Board of Water and Soil Resources by townships with an increase of 140% for tillable and 90% for non tillable. Bents recommended that to make this funding available the District prepare a summary sheet for a corridor restoration plan project and present to the Project Team in November. A motion was made by Manager Vipond and seconded by Manager Wright authorizing Engineer Bents to prepare a proposal for a Watershed District WRR Corridor project to be presented to the Project Team. Carried.

31. Project #30 Repairs, Section 7, Green Meadow Township. A motion was made by Manager Spaeth and seconded by Manager Vipond to approve the repair project in Section 7, Green Meadow Township, cost estimated at \$37,500. Carried.

32. Norman County Ditch #37, Repair. A motion was made by Manager Vellenga and seconded by Manager Ista authorizing a survey for the repair request on CD #37 in Sections 26, 27 and 34, 35 of Winchester Township, with results to be presented to the Managers at the October 20, 2008, special meeting. Carried.

33. Project Team Meeting. Consensus of Managers was not to have a Project Team Meeting in October, however a committee meeting will be held.

#### **PERMIT**

34. Conrad Wiger, Section 20-29, Ulen Township. A motion was made by Manager Vellenga and seconded by Manager Christensen to table Permit Application #10-8-08-3 of Conrad Wiger to fill soil around an existing culvert in an abandoned township road and request more information/drawings of the depth of fill over the crossing. Carried.

35. Drainage Modernization Challenge Grant. A motion was made by Manager Spaeth and seconded by Manager Vipond authorizing Engineer Bents to submit a grant application to the Minnesota Board of Water and Soil Resources (BWSR) for the purpose of digitizing, paper filing and preparing ditch information for a web based site for approximately \$15,000. Carried.

36. Personnel Committee Report. Manager Vipond stated that the personnel committee recommendation regarding Administrator Dalen's salary adjustment will be provided at the special meeting. Vipond also stated that he and Accountant Marcussen discussed allowing staff pay increases to be paid in medical benefit reimbursements which would provide a saving for both staff and the Watershed District. A motion was made by Manger Vellenga and seconded by Manager Vipond to amend the staff increase for Kari Kujava and Loretta Johnson to be put towards benefits thus increasing the benefit reimbursement amounts above present limits, with action to be retroactive to anniversary date. Carried.

37. Reorganization of Office. Administrator Dalen reported that he will bring a draft report to the November meeting.

38. Mowing/Spraying. Kari Kujava stated that there are no updates; Ambuehl is close to the end of the mowing.

39. Goal Setting/360 Survey/Board Credibility/Performance. Administrator Dalen distributed correspondence from Bonnie Bell Ewert of Customer Connections, in which Ewert provided a list of references. Dalen stated that he has not received a response from either Brian Dwight or John Jaske of BWSR, regarding their self assessment program which he stated might not be funded later in the process and felt that a private consultant would work out better. He stated that direction has been an issue in this board and felt that we need to get this in the open and work with it. Chairman Seykora expressed disappointment over the last few years with the BWSR assessment process. Manager Vellenga stated that with BWSR providing a free program the District should start there and if it doesn't work out, then go to a private consulting firm. Vellenga also wanted to wait until the October 20, meeting to allow time for a response from BWSR. Manager Vipond stated that he is not sure that Customer Connections is going to fit the District. A motion was made by Manager Seykora and seconded by Manager Spaeth to move forward with Bonnie Bell Ewert of Customer Connections. Upon a call for a vote Managers Seykora, Spaeth and Christensen voted for and Managers Wright, Vellenga, Ista and Vipond against. Motion failed for lack of a majority.

40. Manager Vipond left the meeting at 4:00 p.m.

41. Resolutions Committee Report. Manager Ista provided the following resolutions to be presented to MAWD:

- Now, therefore, be it resolved that Minnesota Department of Natural Resources allow special consideration to resolve our critical flooding by permitting flood damage reduction structures on stream and assisting the WRWD to enhance and improve the environment, habitat, vegetation, etc. of the severely eroded South Branch of the Wild Rice River and the Wild Rice River. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the resolution for submittal to MAWD. Carried.
- Now, therefore, be it resolved the federal and state agencies through the project team provide estimated mitigation in a timely and efficient manner. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the resolution for submittal to MAWD. Carried.
- Now, therefore, be it resolved that the County Commissioners utilize oversight of the taxes levied, watershed budget and other expenditures of tax funds and have the power to recall a Manager who is not fulfilling their obligations to the citizens of the watershed district. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the resolution for submittal to MAWD. Managers Ista and Vellenga voted for and Managers Wright, Christensen, Spaeth and Seykora against. Motion died for lack of a majority. Carried.
- Now, therefore, be it resolved, that the MAWD work together with BWSR and MASWCD to pull together their resources to increase base funding for the SWCDs through existing state programs or by developing a new funding source specifically for SWCD/JPA staff funding. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the resolution for submittal to MAWD. Carried.
- Now, therefore, be it resolved, that MAWD assist the SWCDs toward the removal of the audit fee through a legislative change if necessary. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the resolution for submittal to MAWD. Managers Christensen, Wright, Vellenga, and Ista voted for and Managers Spaeth and Seykora against. Carried.
- Now, therefore, be it resolved, that MAWD work with the MASWCD, BWSR, DNR and others to establish a buffer incentive program in Minnesota. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the resolution for submittal to MAWD. Carried.
- Now, therefore, be it resolved, that a knowledgeable ombudsman be appointed and funded for the Minnesota Pollution Control Agency and also one appointed and funded for the Minnesota Department of Natural Resources. A motion was made by Manager Ista and seconded by Manager Vellenga to approve the resolution for submittal to MAWD. Carried.

42. Advisory Committee. Consensus of Managers and staff was for each Manager to bring forward at the October 20 meeting, a person who they think could be a Citizens' Advisory Committee member to be reviewed and acted on by the Board.

43. SWCD Reports. Brief reports were given on the Norman and Mahnomen County SWCD meetings.

44. Small Project Fund. A brief report was given on the small project funding. No new requests have been submitted.
45. Public Outreach. Tim Halle asked about the bus tour rescheduled date. Administrator Dalen stated that the tour was cancelled due to fall farm work. Halle stated that he is working on the Annual Report.
46. Approval of Billings. A motion was made by Manager Spaeth and seconded by Manager Christensen to approve the billings as presented for October 8, 2008, to include Managers per diems, expenses and staff salary and benefits. Carried.
47. Financial Report. Accountant Marcussen presented the financial report dated September 30, 2008. A motion was made by Manager Ista and seconded by Manager Wright to approve the financial report as presented. Carried.
48. Petty Cash Fund. A motion was made by Manager Vellenga and seconded by Manager Wright authorizing Accountant Marcussen to establish a Petty Cash checking account in the amount of \$200. Carried.
49. A Time to Build Special Informational Meeting. A motion was made by Manager Christensen and seconded by Manager Vellenga authorizing staff to schedule a special informational meeting from 6-9:00 p.m. on January 28, 2009, at the Ada Borup High School Auditorium. Carried.
50. Approval of Minutes. A motion was made by Manager Spaeth and seconded by Manager Vellenga to approve the September 10, 2008, regular meeting minutes with the following changes: Paragraph #4 add "concerning WMDs;" Paragraph #12, paragraph 3, add "\$1,189,600.79;" Page #3, paragraph #2, change can to "could;" Paragraph #37, item #2, change any to "some and add for;" Page #9, Item #4, change Sentence #2 to read, "Seykora stated that he did not get compounded reimbursements from MAWD, the District, the RR Basin Commission, or others, if he attended authorized meetings of those entities, he breaks down the cost between the agencies." Carried. A motion was made by Manager Ista and seconded by Manager Christensen to approve the September 30, 2008, special meeting as distributed. Carried.
51. Meetings/Conferences. A motion was made by Manager Ista and seconded by Manager Spaeth authorizing Managers and staff attendance at the MAWD Annual Meeting scheduled for December 4-6, at Alexandria. Carried.
52. There being no further business to come before the Board of Managers, a motion was made by Manager Christensen to adjourn the meeting. Carried.
53. Chairman Seykora adjourned the meeting at 5:30 p.m.

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
<b>Sep 11 - Oct 8, 08</b>				
09/11/2008	11758	MPCA	Stormwater Permit J.D. #53	-400.00
09/11/2008	11759	MPCA	Stormwater Permit Proj #16	-400.00
09/11/2008	11760	Felton Community Center	Felton Com Center Rental	-55.00
10/08/2008	11778	Alerus Appraisals	appraisal review	-600.00
10/08/2008	11779	AmeriPride	rugs	-60.95
10/08/2008	11780	Arvid L Ambuehl	mowing	-13,017.50
10/08/2008	11781	Cardmember Service	monthly charges	-1,827.81
10/08/2008	11782	City of Ada	8/15-9/15	-279.46
10/08/2008	11783	David Vipond	per diem	-138.52
10/08/2008	11784	Diane Ista	per diem	-164.06
10/08/2008	11785	Don Vellenga	per diem	-138.52
10/08/2008	11786	Farmers Publishing Company	levy ad	-82.80
10/08/2008	11787	Francotyp-Postalia, Inc.	meter rent	-99.05
10/08/2008	11788	Genesys Conferencing	conference call	-98.00
10/08/2008	11789	Houston Engineering, Inc.	Engineering	-47,194.50
10/08/2008	11790	James Wagner, Sr.	beaver control/mileage	-1,457.55
10/08/2008	11791	Jerome Swenson & Beatrice Swenson	easement	-500.00
10/08/2008	11792	Joe Spaeth	per diem	-246.10
10/08/2008	11793	J. Aamodt, Randall Aamodt&Kelly Bovee	easement	-500.00
10/08/2008	11794	Loretel Systems	telephone	-329.81
10/08/2008	11795	Marcussen Accounting	accounting and meetings	-781.00
10/08/2008	11796	McCollum Hardware, Inc.	supplies	-17.55
10/08/2008	11797	Midwest Helicopters	spraying ditches	-3,757.00
10/08/2008	11798	Mike Christensen	per diem	-164.06
10/08/2008	11799	Norman County Abstract	Jacobson/Merkle	-556.50
10/08/2008	11800	Norman County Auditor/Treasurer	culvert	-837.80
10/08/2008	11801	North Star Water	water	-47.60
10/08/2008	11802	Office Supplies Plus	office supplies	-263.69
10/08/2008	11803	Pamela Johnson-Mileage	mileage reimbursement	-39.78
10/08/2008	11804	Pamela Johnson-Payroll	temp help	-217.02
10/08/2008	11805	Ralph's Food Pride	supplies	-49.54
10/08/2008	11806	Renae Kappes	cleaning	-100.00
10/08/2008	11807	Robert E. Wright	per diem	-129.52
10/08/2008	11808	Shooting Star Casino	meeting	-160.93
10/08/2008	11809	The Union	levy notice	-88.00
10/08/2008	11810	Tim Halle	press releases	-705.00
10/08/2008	11811	Trnka Real Estate & Appraisal Svc.	appraisal	-1,114.40
10/08/2008	11812	Wambach & Hanson	legal	-1,644.35
10/08/2008	11813	Warren J. Seykora	per diem	-647.62
10/08/2008	11814	Ziegler Construction	final pay request	-1,850.00
10/08/2008	11817	David Vipond	mileage	-60.84
10/08/2008	11818	Diane Ista	mileage	-17.55
10/08/2008	11819	Joe Spaeth	mileage	-121.10
10/08/2008	11820	Mike Christensen	mileage\expense	-105.75
10/08/2008	11821	Robert E. Wright	mileage	-42.12
10/08/2008	11822	Warren J. Seykora	mileage\cost reimburse	-797.39
		Payroll/emp ins &	Med exp & Payroll taxes	-15,148.87
				<b><u>-97,054.61</u></b>