

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

REGULAR MEETING
February 10, 2010
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, February 10, 2010. Managers in attendance included Diane Ista, Joe Spaeth, Greg Holmvik, Duane Erickson, John Austinson and Dean Spaeth. In addition the following persons were in attendance: Administrator Steve Odegaard, Assistant Administrator Loretta Johnson, Administrative Assistant Kari Kujava, Attorney Hanson, Engineer Jerry Bents, Marijo Vik, David Larson, Curtis Borchert and landowners interested in the Upper Becker Project.
2. Chairman Christensen called the meeting to order at 8:40 a.m.
3. A **motion** was made by Manager D Spaeth and **seconded** by Manager Holmvik to approve the agenda with addition of discussion regarding the Highway #147 road caving in. **Carried.**
4. Loretta Johnson reported that communication was sent to Mick Alm, Norman County Highway Engineer regarding the maintenance of Highway #147 and no reply has been received.
5. Project #29. David Larson met with Managers regarding snow cleanout on Project #29, if necessary. A **motion** was made by Manager J Spaeth and **seconded** by Manager D Spaeth authorizing Larson to clean out the snow to prevent overland flooding and contacting Manager Austinson to review the site prior to cleanout. **Carried.**
6. Moccasin Creek O & M Plan. Engineer Bents stated that the Moccasin Creek O & M Plan could be a topic for the Project Team. Manager Erickson presented what he felt was an alternative plan in which a committee consisting of members of the SWCD, WRWD and landowners, would manage the program. Managers J Spaeth, Ista and Holmvik felt that this should go to the Project Team, as originally intended. Engineer Bents recommended that the District invite the SWCD to the Project Team meeting to do a presentation on the investigation that they are currently doing upstream of Moccasin. Consensus of Managers was to invite SWCD to Project Team Meeting.
7. Project #42 Upper Becker Project. Managers discussed the upcoming hearing on Upper Becker, scheduled for 10:00 a.m. on Wednesday February 17, 2010, at the Ada VFW Meeting Room. Manager Erickson distributed a list that he put together stating his concerns regarding the Upper Becker Dam Project and stated that he wanted the hearing postponed. Managers Ista and J Spaeth felt it should go forward. As discussion continued Chairman Christensen stated that all of these issues will be brought up at the hearing and voted on by the Board after listening to testimony, but not necessarily immediately after the hearing. Manager Erickson made a **motion** to terminate the project. Manager D Spaeth **seconded** the motion. Roll call was taken. Managers Erickson, D Spaeth and Austinson voted yea to the motion and Managers Ista, Holmvik, J Spaeth and Christensen nay to the motion. **Motion failed for lack of a majority.**

8. Community Levee Projects. The community of Felton submitted the following petition for a community flood control levee.

PROJECT PETITION FOR Felton COMMUNITY FLOOD CONTROL LEVEE

As the governing body of Felton, the Felton City Council (Petitioner) by this Petition hereby initiates the Felton Community Flood Control Levee Project (Project) under Minn. Stat. §103D.705. The Petitioner states as follows:

1. The Project generally conforms with the Wild Rice Watershed District's watershed management plan;
2. The proposed project will involve construction of a flood control levee around the community. This levee should provide a minimum of 3-ft of freeboard over the past flood of record elevations. A preliminary alignment of the proposed levee has been developed and is shown in Attachment A.
3. The levee will be located around the community as shown in the preliminary drawings attached as Exhibit A. This will surround the community and be located in Section(s) 27, 28, 33, & 34 of Felton Township in Clay County.
4. The area affected by the project is limited to the city of Felton and the adjacent property directly adjacent to the city where the levee will be located.
5. The project is necessary to provide adequate flood control from future flooding events for the city.
6. The proposed Project will be conducive to public health, convenience, and welfare.
7. The Petitioner requests the Wild Rice Watershed District waive any bond.
8. Prior to beginning the final design, the Petitioner requests the Wild Rice Watershed District work with the State of Minnesota to secure agreement that the local (city) share of the final design costs not exceed 5% of the total estimated design cost or \$5,000, whichever is less.
9. Prior to constructing the project, the Petitioner requests the Wild Rice Watershed District work with the State of Minnesota to secure agreement that the local (city) share of the total project costs not exceed 2% of the median household income of the city.
10. The Petitioner will pay all costs and expenses that may be incurred if the Project proceedings are dismissed by the petitioner, or if a construction or implementation contract is not awarded for the proposed Project at the request of the petitioner.
11. The Petitioner requests that in the event that the project is fully designed and is not constructed due to the inability to get outside funding to pay all but 2% of the median household income by 2014, the city only be held liable to pay the local costs incurred during the final design phase, or \$5,000 as stipulated in Item 9.

RECEIVED

2-10-2010

Signed: Ron M. Larson
Mayor of Felton
Attested by: Natalie J. Hilde
City Clerk
Dated: 2-8-10

A motion was made by Manager D Spaeth and seconded by Manager Ista to approve the petition. Carried. Manager Ista and Engineer Bents also reported on recent meetings with landowners in Hendrum and Perley.

9. South Branch WRR NRCS Study. Engineer Bents reported that John Beckwith, NRCS, has tentatively scheduled a meeting in Ada on the 2nd of March. A **motion** was made by Manager Austinson and **seconded** by Manager Ista authorizing a Special Meeting to be scheduled for 9:00 a.m. on March 2, 2010, at the District office for the purpose of meeting with Beckwith to discuss an NRCS study on the South Branch of the WRR. **Carried.**

10. Wild Rice River COE Feasibility Study (COE WRRFS). Engineer Bents reported that staff submitted the District's COE termination letter to Nan Bischoff and also presented the monthly report of Memorandum of Record from Ms. Bischoff dated February 8, 2010.

11. 2009 FEMA Flood home Buyout Program. A **motion** was made by Manager D Spaeth and **seconded** by Manager Austinson to approve resolutions to support both the substantially damaged and non substantially damaged homes for the 2009 FEMA buyout program. Chairman Christensen is authorized to execute the documents. **Carried.** (Copies of the resolutions are attached at the end of these minutes.)

PERMIT APPLICATIONS

12. MN DOT, Section 19, Shelly Township. A **motion** was made by Manager J Spaeth and **seconded** by Manager Austinson to approve Permit Application #2-10-10-1 of MN DOT for a bridge replacement near Shelly Minnesota over the Red River in Section 19 of Shelly Township. **Carried.**

13. Loretel Systems, Section 3, Pleasant View Township. A **motion** was made by Manager Austinson and **seconded** by Manager D Spaeth to approve Permit Application #2-10-10-2 of Loretel Systems to install fiber optic cable under Norman County Ditch #18 in Section 3 of Pleasant View Township with the condition that the cable is install a minimum of 30 inches below the channel bottom. **Carried.**

14. Loretel Systems, Section 28, Lockhart Township. A **motion** was made by Manager Austinson and **seconded** by Manager D Spaeth to approve Permit Application #2-10-10-3 of Loretel Systems to install fiber optic cable under JD #53 in Section 28 of Lockhart Township with the condition that the cable is install a minimum of 30 inches below the channel bottom. **Carried.**

15. James Wagner Complaint, Section 22, Green Meadow Township. Engineer Bents reported that technician Mark Aanenson talked with Wagner who had stated that he had discussions with Randy Chisholm regarding illegal ditching by Chisholm in Section 22 of Green Meadow Township and they both tentatively agreed on a resolution. A **motion** was made by Manager J Spaeth and **seconded** by Manager D Spaeth to table the violation for resolution by both parties until June 1, 2010. **Carried.**

16. USGS Stream Gage Funding. Managers held discussion regarding the 2010 funding of the USGS Stream Gage monitoring program. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to fund the District's cost share of \$20,000 for the program and Bents agreed to request that the USGS monitor bed load. **Carried.**

17. Approval of Billings. A **motion** was made by Manager Holmvik and **seconded** by Manager Austinson to pay the billings as presented including Managers per diems and expenses and the cost share to the Red River Watershed Management Board, with the exception of holding the Small Project Requests until discussion with Borchert. **Carried.**

18. Financial Report Dated January 31, 2010. Accountant Marcussen distributed the financial report, including 2009 Administrative Levy receipts as of 12/31/2009. (A copy is attached at the end of these minutes.) A **motion** was made by Manager D Spaeth and **seconded** by Manager Austinson to approve the Financial Report dated January 31, 2010. **Carried.**

19. A **motion** was made by Manager Austinson and **seconded** by Manager Holmvik to close the meeting at 11:20 a.m. to discuss landowner negotiations for Upper Becker Project on the following locations. NW4 & SE4 Sec. 32-142-42; Robert Hastings, Lots 1, 2, 3, 10 & 11, and NW4SE4 Sec. 6-141-42 and Lots 7 & 12 and the se4 Sec. 31-142-42; E2SW4 lying NW of the river and the W2SW4, Sec. 32 and the NE4SE4 of Sec. 6 and the N2SW4, SW4NW4, and SW4SW4 OF Section 5; Sly 825' NE4, Sec. 32-142-42 and the E2SW4, NW4SE4, S2NW4, SW4NE4 of Sec. 33-142-42; Gerald Jirava, SE4SE4 of Sec 21 and SW4NE4 and NW4SE4 Sec 22; nw4sw24, S 10 acres of SW4NW4 and S 10 acres of SE4NW4 of Sec. 22; E2SW4 and SW4SW4 of Sec. 22; NW4NE4 and N2NE4 and N2NW4 of Sec. 2 and the NE4NE4 of Section 29 and N2NE4, N2SE4NE4, NE4NW4 of Sec. 33. **Carried.** Managers in attendance included Diane Ista, Joe Spaeth, Greg Holmvik, Duane Erickson, John Austinson and Dean Spaeth. In addition the following persons were in attendance: Administrator Steve Odegaard, Assistant Administrator Loretta Johnson, Administrative Assistant Kari Kujava, Attorney Hanson, Engineer Jerry Bents.

The meeting was opened at 12:00 p.m. A **motion** was made by Manager Holmvik and **seconded** by Manager Ista to close the meeting at 12:05 p.m. to discuss land negotiations with landowners outside of Hendrum and Perley for the acquisition of property for the Hendrum and Perley levees. **Carried.** Lawrence Hoff, Jeff Hoff, Thomas Strand in Section 19 Lee; Marjean Aabye, Doug Krogstad, and Jeff and Vicky Borgen in Section 30 Lee near the City of Perley and Wayne and Kari Borgen in Section 19 Hendrum (144/48), Dean and Cynthia Todd, and Dean, Cynthia, and Diane Todd in Section 30 Hendrum (144/48), Terry and Judy Guttormson in Sections 24 and 25 of Hendrum (144/49) near the City of Hendrum. The meeting was reopened at 12:15 p.m.

20. SWCD Small Project Funding Requests. Curtis Borchert met with Manager to discuss the SWCD Small Project Funding requests. Discussion followed regarding old/new projects and whether they had been started previous to the agreement with the District for acre feet of storage. Manager Ista stated that she had real concerns regarding submitting costs for projects without locations. Borchert stated that the NRCS pays for the majority of the project and therefore the SWCD cannot disclose locations due to confidentiality. A **motion** was made by Manager Erickson and **seconded** by Manager D Spaeth to approve the following payments: Becker County SWCD \$1,644; Clay County SWCD \$3,669; Mahnomon County SWCD \$14,613; Norman county SWCD \$28,109. **Carried** with Managers Holmvik, J Spaeth and Ista voting nay and Managers Erickson, D Spaeth, Austinson and Erickson, yea. **Carried.** A **motion** was made by Manager Erickson and **seconded** by Manager Holmvik authorizing Administrator Odegaard to prepare an agreement for 2010. **Carried.**

21. BWSR TMDL Grant. Curtis Borchert stated that of the grants that he submitted, one was approved and he stated that the funds the District has approved for the Small Projects may be used as a cost share for the project.

22. Olson Agassiz Project #13. Landowners who had previously submitted a petition to make changes to the operating plan on Olson Agassiz for the purpose of better flood control met with board members at 2:00 p.m. They discussed how the project was in the beginning and felt that it should be drained down in the fall. Discussion was also held regarding seepage from the project and the fact that the seepage ditch doesn't work. A **motion** was made by Manager Ista and **seconded** by Manager Austinson authorizing the District to request an amendment to the operating plan to the DNR, starting at the Project Team meeting on February 24, 2010. **Carried.** Landowners are invited to the meeting.

23. Temporary Dike Construction, Kinkade/Jacobson/Golf Course. Manager Ista stated that she wanted to update the Managers regarding the City of Ada's discussions on how to protect landowners while awaiting possible upgrade on the levees.

24. Vik Lawsuit. Manager Erickson expressed concerns regarding the non payment to date of the District's insurance carrier for fees for the lawsuit. Attorney Hanson stated that he had contacted the representative who said the payment would be released soon.

25. Farmstead Ring Dikes. A **motion** was made by Manager Holmvik and **seconded** by Manager J Spaeth authorizing the advertising of bids for the following NRCS funded ring dikes: Kevin Anderson; Keith Stevenson and Mike Roesch beginning at 9:00 a.m. on February 26, 2010, at the District office. **Carried**.

26. Approval of Billings. A **motion** was made by Manager Holmvik and **seconded** by Manager Austinson to approve Payment in the amount of \$3,298.50 to RM Hoefs Associates for appraisals of Hendrum, Jiravas and Hastings. **Carried**.

27. Meeting Minutes. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to approve the minutes of the January meeting minutes and the February 5, 2010, meeting minutes. **Carried**.

28. There being no further business to come before the Board of Managers, Chairman Christensen adjourned the meeting at 3:00 p.m.

Secretary John Austinson

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Jan 14 - Feb 11, 10				
02/10/2010	12654	Dean P Spaeth	Mgrs per diems	-487.55
02/10/2010	12655	Diane J Ista	Mgrs per diems	-460.38
02/10/2010	12656	Duane L Erickson	Mgrs per diems	-440.25
02/10/2010	12657	Gregory R Homvik	Mgrs per diems	-282.90
02/10/2010	12658	John D Austinson	Mgrs per diems	-322.49
02/10/2010	12659	Joseph N Spaeth	Mgrs per diems	-743.71
02/10/2010	12660	Michael K Christensen	Mgrs per diems	-966.01
02/10/2010	12661	AmeriPride	Cleaning	-62.75
02/10/2010	12662	Braun Intertec Corporation	City Hendrum/Perley	-183.00
02/10/2010	12645	Cardmember Service	Mgrs Mtg Grand Forks	-220.99
02/10/2010	12646	City of Ada	Utilities	-293.89
02/10/2010	12647	Dean Walz	SWCD Small Sediment Basins	-3,000.00
02/10/2010	12648	Detroit Lakes Newspapers	Hearing Notice	-243.35
02/10/2010	12649	Dorsey & Whitney LLP	Vik Lawsuit	-498.37
02/10/2010	12650	Farmers Publishing Company	WMD Hearing	-62.40
02/10/2010	12651	Houston Engineering, Inc.	Engineering	-29,599.94
02/10/2010	12652	KRJB Radio	Flood Meeting Georgetown	-150.00
02/10/2010	12653	Loretel Systems	Utilities	-272.93
02/10/2010	12723	Mahnomen Soil & Water Cons. District	Environmental Notes	-451.37
02/10/2010	12724	MARCO, Inc.	Copier	-598.50
02/10/2010	12725	Marcussen Accounting	Accounting Feb 10	-1,528.95
02/10/2010	12726	MAWD	Dues	-2,000.00
02/10/2010	12727	Minnesota Energy Resources Corporation	Feb Invoice	-175.48
02/10/2010	12728	Minnesota Viewers Association	Membership Dues	-125.00
02/10/2010	12729	North Star Water	Office Supplies	-29.75
02/10/2010	12730	Office Supplies Plus	Office Supplies	-120.80
02/10/2010	12731	Ralph's Food Pride	Mgrs Lunches/Cleaning Sup	-75.34
02/10/2010	12732	Red River Basin Commission	Registration	-370.00
02/10/2010	12733	RRWMB	1/2 cost share	-5,393.12
02/10/2010	12734	Renae Kappes	Clean Office	-100.00
02/10/2010	12735	Rinke Noonan	Legal Fees	-418.00
02/10/2010	12736	Thomson West	Inv #819906423	-29.93
02/10/2010	12737	Visser Trenching	Snow Removal	-140.00
02/10/2010	12738	Wambach & Hanson	Feb Legal Fees	-6,928.83
02/10/2010	3298.5	RM Hoefs & Associates, Inc.	Appraisals	-3,298.50
02/10/2010	12739	Becker County SWCD	SWCD Small Projects	-1,644.00
02/10/2010	12740	Clay County SWCD	Small Projects Storage	-3,669.00
02/10/2010	12741	Mahnomen Soil & Water Cons. District	SWCD Small Projects	-14,613.00
02/10/2010	12742	Norman County SWCD	SWCD Small Project Request	-28,109.00
02/10/2010	12743	RM Hoefs & Associates, Inc.	Appraisals	-3,298.50
Jan 14 - Feb 11, 10		Payroll/emp ins &	Med exp & Payroll taxes	<u>-6,051.77</u>
			Total	-117,459.75

RESOLUTION AUTHORIZING EXECUTION OF SUB-GRANT AGREEMENT
Non-Substantially Damaged

Be it resolved that Wild Rice Watershed District enter into a sub-grant
(Name of Organization/Local Unit of Government)

agreement with the Division of Homeland Security and Emergency Management in the Minnesota
Department of Public Safety for the program entitled Hazard Mitigation Assistance Program for
Presidential disaster declaration FEMA 1830-DR-MN
(Disaster Number)

— Mike Christensen, Chairman is hereby
(Name and Title of Authorized Official)

authorized to execute and sign such sub-grant agreements and any amendments hereto as are
necessary to implement the project on behalf of Wild Rice Watershed District.
(Name of Organization/Local Unit of Government)

I certify that the above resolution was adopted by the Board of Managers of
(Executive Body)

Wild Rice Watershed District on _____
(Name of Organization/Local Unit of Government) (Date)

SIGNED:

WITNESSETH:

(Signature)

(Signature)

(Title)

(Title)

(Date)

(Date)

RESOLUTION AUTHORIZING EXECUTION OF SUB-GRANT AGREEMENT
Substantially Damaged

Be it resolved that Wild Rice Watershed District enter into a sub-grant
(Name of Organization/Local Unit of Government)

agreement with the Division of Homeland Security and Emergency Management in the Minnesota
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(Disaster Number)

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(Name and Title of Authorized Official)

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(Name of Organization/Local Unit of Government)

I certify that the above resolution was adopted by the Board of Managers of
(Executive Body)

Wild Rice Watershed District on _____
(Name of Organization/Local Unit of Government) (Date)

SIGNED:

WITNESSETH:

(Signature)

(Signature)

(Title)

(Title)

(Date)

(Date)

Wild Rice Watershed District 12/31/2009		2009 Receipts and Levies for Administration and Red River Construction													
A		B		C		D		C + D E		B-E F		G		C+D+G H	
Admin Levy	%	2009 Levy	From County 2009	State HACA	Total Current 09	Balance Due	Collected From Prior Years	Total Collected							
09 Receipts															
Becker	0.132936	33,234.00	29,196.08	2,951.15	32,147.23	1,086.77	1,518.84								
Clay	0.16132	40,330.00	36,435.84	3,581.27	40,017.11	312.89	316.19								
Cleanwater	0.045544	11,386.00	8,812.79	1,011.07	9,823.86	1,562.14	669.13								
Mahnomen	0.240378	60,094.50	47,860.47	5,336.35	53,196.82	6,897.68	2,544.46								
Norman	0.409943	102,485.75	88,627.21	9,100.66	97,727.87	4,757.88	4,505.16								
Polk	0.009879	2,469.75	2,250.54	219.32	2,469.86	(0.11)	142.29								
2008 Levy		250,000.00	213,182.93	22,199.82	235,382.75	14,617.25	9,696.07	245,078.82							
RRWMB Levy		B		C		D		C + D E		B-E F		G		C+D+G H	
09 Receipts	%	2009 Levy	From County 2009	State HACA	Total Current 09	Balance Due	Collected From Prior Years	Total Collected							
Becker	0.132936	100,849.13	88,441.21	8,482.26	96,923.47	3,925.66	4,044.99	100,968.46							
Clay	0.16132	122,382.07	54,406.45	10,293.34	64,699.79	57,682.28	2,221.58	66,921.37							
Cleanwater	0.045544	34,551.01	26,744.64	2,906.04	29,650.68	4,900.33	1,845.25	31,495.93							
Mahnomen	0.240378	182,357.77	145,193.83	15,337.82	160,531.65	21,826.12	6,682.52	167,214.17							
Norman	0.409943	310,994.74	268,891.53	26,157.27	295,048.80	15,945.94	11,888.83	306,937.63							
Polk	0.009879	7,494.50	6,864.45	630.38	7,494.83	(0.33)	367.08	7,861.91							
2009 Levy		758,629.22	590,542.11	63,807.11	654,349.22	104,280.00	27,050.25	681,399.47							