

WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East
Ada, MN 56510
Ph: 218-784-5501

SPECIAL MEETING

July 28, 2009

PERMITS/VIOLATION APPROVED MINUTES

1. A Special Meeting of the Wild Rice Watershed District Board of Managers was held on Tuesday July 28, 2009, at the office of the District located at 11 Fifth Avenue East, Ada, MN. The purpose of the meeting was to address permit applications and a violation. The following Managers were in attendance: Joe Spaeth, Dean Spaeth, Mike Christensen, Greg Holmvik, Duane Erickson, John Austinson and Diane Ista. Absent: None. Also in attendance were Interim Administrator Loretta Johnson, Executive Assistant/Project Coordinator Kari Kujava, Engineer Jerry Bents, Attorney Hanson, via teleconference, Wally Sparbe, Congressman Peterson's office and members of the audience. Chairman Christensen called the meeting to order at 8:45 a.m.

2. Furuseth Quit Claim Deed. A motion was made by Manager Ista and seconded by Manager Erickson to authorize execution of the following Quit Claim Deed to Furuseths, per recommendation of Attorney Hanson. Carried.

FOR VALUABLE CONSIDERATION, The Wild Rice Watershed District, a political subdivision of the State of Minnesota, Grantor, hereby conveys and quit claims to Juel Furuseth and Dora Furuseth, husband and wife, as joint tenants and as tenants in common with Bjorn Furuseth, a single person, Grantees, real property in Norman County, Minnesota, described as follows:

That certain undivided one-half interest in the following described property which was acquired by Grantors from Grantees as a result of the Minn. Stat. Chapter 103D procedure for a watershed district to acquire an interest in real property: All that part of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section Sixteen (16), township One Hundred Forty-four (144) North, Range Forty-four (44) West, described as follows: Beginning at the intersection of the North bank of the Wild Rice River and the West right-of-way line of State highway No. 32; thence westerly along the North bank of the aid Wild rice River Two Hundred Thirty (230') feet to a point Fifteen (15') feet below the existing dam structure; thence North Fourteen (14) degrees East a distance of Two Hundred Ten (210') feet; thence South Seventy-five (75) degrees East a distance of Two Hundred Ten (210') feet to the West right-of-way line of said State Highway No. 32; thence southerly along said West right-of-way line to the place of beginning. Said tract of land contains 51,222 square feet, more or less, and is subject to easements as may be of record.

This deed does not convey the Grantor's undivided one-half interest which the Grantor acquired from the City of Twin Valley by deed dated June 2, 2005, and filed for record on June 16, 2006, as Instrument #212092.

This deed does not convey and of the Grantor's easement rights re construction, maintenance, improvements or repairs of the Heiberg Dam Project #9 which the Grantor has in the subject property and this conveyance specifically reserves those rights in Grantor.

This deed does not convey any of the Grantor's rights to complete the Heiberg Dam Project #9 repairs per the Settlement Agreement between the Grantor and Grantees dated November 18, 2005 and November 15, 2005, respectively, respectively, and attached hereto as Exhibit "A," and this conveyance specifically reserves those rights in Grantor.

The total consideration for this transfer of property is \$500.00 or less.

Wild Rice Watershed District

By: _____
Its Chairman

PERMIT APPLICATIONS

3. Home Lake Township, Section 7/12 Home Lake/Rockwell Township. Interested landowners and Home Lake and Rockwell Township officials met with Managers at 9:00 a.m. to discuss the permit application. Downstream landowners raised issues regarding the fact that increased water would be sent downstream into an area where there was too much water already, stating that there was just no place for the water to go. Proponents argued that the drainage pattern had been changed some years ago and wanted it returned to the previous condition. After considerable discussion, a **motion** was made by Manager D Spaeth and **seconded** by Manager Ista to deny Permit Application #7-28-09-16 of Home Lake Township to extend a township road and construct two field approaches with 24" culverts due to landowner concerns regarding downstream impacts. **Carried**.

4. Bob Brandt, Section 9, Lake Ida Township. Bob Brandt and Kirk Strand met with Managers regarding the application to install tile in Section 9 of Lake Ida Township. Strand stated that the water would run across his land and that due to a stream needing cleaning there would be no outlet for it. Brandt stated that he felt he should be allowed to tile his field. A **motion** was made by Manager Holmvik and **seconded** by Manager D Spaeth to approve Permit Application #7-28-09-1 of Bob Brandt to install drain tile in Section 9 of Lake Ida Township with the condition that the coulee in Section 8 of Lake Ida Township be cleaned prior to the installation of the drain tile. **Carried**.

5. MN DOT, Section 8 & 17 of Shelly Township. A **motion** was made by Manager J Spaeth and **seconded** by Manager Austinson to approve Permit Application #7-28-09-16 of MN DOT to replace bridges with box culverts in Sections 8 and 17 of Shelly Township. **Carried**.

6. A **motion** was made by Manager Ista and **seconded** by Manager Austinson to **table** the following permit applications pending engineering plans for each site including top elevations, outlet works type, location of seepage barriers, drainage areas, piped outlet sizes and inverts (where required), overflow locations and elevations and to encourage that flood storage is incorporated. **Carried.**

- **USFWS, Sections 7/18 White Earth Township.** Permit Application #7-28-09-10 of the USFWS to restore wetlands, block ditches and dig out ponds in Sections 7/18 of White Earth Township.
- **USFWS, Section 14 Goose Prairie Township.** Permit Application #7-28-09-11 of the USFWS to restore wetlands, block ditches and dig out ponds in Section 14 of Goose Prairie Township.
- **USFW, Section 29 Beaulieu Township.** Permit Application #7-28-09-12 of the USFWS to restore wetlands, block ditches and dig out ponds in Section 29 of Beaulieu Township.

7. A **motion** was made by Manager Ista and **seconded** by Manager Austinson to approve the following permit applications with the conditions as stated. **Carried.**

- **David Lee, Section 14, Lee Township.** Permit Application #7-28-09-2 of David Lee to raise a ring dike around two feet with the conditions that 1) install proper erosion and sediment control best management practices; 2) obtain a NPDES Stormwater Permit from MPCA if total disturbance exceeds 1 acre; 3) contact Norman County Floodplain Coordinator, Kevin Ruud to obtain the necessary floodplain zoning approvals; 4) recommendation to contact the SWCD and the USACE if any wetland areas will be filled.
- **Doug Kramer, Section 31, Gregory Township.** Permit Application #7-28-09-3 of Doug Kramer to install a water and sediment control basin in Section 31 of Gregory Township.
- **Lagarde Township, Section 29, Lagarde Township.** Permit Application #7-28-09-5 of Lagarde Township to replace a 12" culvert with a 24" culvert in Section 29 of Lagarde Township.
- **Lagarde Township, Section 8, Lagarde Township.** Permit Application #7-28-09-6 of Lagarde Township to replace two 18" culverts with one 24" culvert.
- **Lagarde Township, Section 8, Lagarde Township.** Permit Application #7-28-09-7 of Lagarde Township to replace a 15" centerline culvert with a longer 24" culvert in Section 8 of Lagarde Township with the condition that the new culvert size is 18' and that the new pipe is installed at the same elevation as the existing pipe.
- **Lagarde Township, Section 5, Lagarde Township.** Permit Application #7-28-09-8 of Lagarde Township to replace a 24" culvert with a longer 24" culvert in Section 5 of Lagarde Township.
- **Ken Jirava, Section 21, Beaulieu Township.** Permit Application #7-28-09-13 of Ken Jirava to install a drainage tile in Section 21 of Beaulieu Township with the condition that the applicant is responsible for adequate erosion control measures at the outlet and with a recommendation that the applicant gets approval from the SWDE/NRCS office regarding wetland regulatory issues.
- **Lloyd Jirava, Section 13, Spring Creek Township.** Permit Application #7-28-09-14 of Lloyd Jirava to install drainage tile in Section 13 of Spring Creek Township with the condition that the applicant is responsible for adequate erosion control measures at the outlet and with a recommendation that the applicant gets approval from the SWCD/NRCS office regarding wetland regulatory issues.

- Bill Stalboerger, Section 1, Popple Grove Township. Permit Application #7-28-09-17 of Bill Stalboerger to lower a centerline culvert to match the elevation of the upstream railroad culvert (approximately 10 inches).
- Bill Stalboerger, Section 1, Popple Grove Township. Permit Application #7-28-09-18 of Bill Stalboerger to renew a permit approval for a water and sediment basin.

8. Lagarde Township, Section 33, Lagarde Township. A **motion** was made by Manager D Spaeth and **seconded** by Manager Ista to **table** Permit Application #7-28-09-4 of Lagarde Township to remove a 36" CMP and replace another 36" damaged culvert with a 42" culvert. The upstream landowner will be noticed and it is recommended that the applicant obtain approval from the MN DNR. **Carried.**

9. Wild Rice Township, Section 33, Wild Rice Township. A **motion** was made by Manager Austinson and **seconded** by Manager Holmvik to **return** Permit Application #7-28-09-9 of Wild Rice Township to clean a ditch approximately ¼ mile in Section 33 of Wild Rice Township. The applicant will be notified that a permit is not required for ditch cleaning and that portions of the ditch are MN DNR Protected Waters and it is recommended that they get MN DNR approval. **Carried.**

10. Clay County Ditch #18. Managers discussed a permit application by Todd Kjos to increase pipe sizes on two culverts along Clay County Ditch #18 due to overtopping the roads. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth to schedule a landowner meeting in Ulen to discuss the drainage issues along CD #18. **Carried.**

11 Eric Grieve Complaint, Section 23, Green Meadow Township. Eric Grieve met with the board at 10:00 a.m. to discuss a complaint he filed for a block put in the ditch in Section 23, Green Meadow Township. Steve Airhart, landowner as joined the meeting via teleconference and Brian Visser, renter of the land in question was also in attendance. Airhart admitted that he placed the block in the ditch and did so because he was getting additional water from the east. He also alleged that former Chairman Seykora told him to go ahead and put a block in. Attorney Hanson informed Airhart that this is a violation of Watershed Districts and a violation of MN law and the blockage needs to be removed. Hanson recommended that the Board move ahead and deal with this as a violation and instruction someone to contact the Sheriff's Department about filing a criminal complaint. A **motion** was made by Manager Ista and **seconded** by Manager D Spaeth authorizing the District to pursue the blockage in Section 23 of Green Meadow Township, placed there by Steve Airhart and appointing Chairman Christensen to notify the Norman County Sheriff and file a complaint with that office. **Carried.**

12. Annual Report. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik authorizing staff to contact Tim Halle to determine if he is willing to do the Annual Report for 2008. **Carried.**

13. Interim Administrator. Discussion was held regarding hiring of an Interim Administrator. Loretta Johnson proposed hiring Mark Aanenson, who was the Interim Administrator in 2005, to assist part time acting as Project Manager/Coordinator rather than an Interim Administrator. Manager Erickson stated that he opposed the approach of hiring Aanenson. A **motion** was made by Manager Ista and **seconded** by Manager Erickson to table any further discussion regarding an Interim Administrator at the present time and authorizing staff to notice Stengrim and Reading, applicants who had previously applied for the job of this action by the Board. **Carried.**

14. Office Assistance. Loretta Johnson stated that Taylor Kujava has been assisting staff at the office part time. A **motion** was made by Manager D Spaeth and **seconded** by Manager Austinson authorizing minimum wage be paid Kujava. **Carried**.

15. Tahoe/District Vehicle. A **motion** was made by Manager D Spaeth and **seconded** by Manager Ista authorizing staff to take the District vehicle (Tahoe) to a cleaning facility and have it thoroughly cleaned. **Carried**. A motion was made by Manager Austinson and seconded by Manager D Spaeth to place an ad in local papers to sell the District Vehicle. Manager Holmvik agreed to assist staff. **Carried with Manager Ista opposed**.

16. There being no further business to come before the Board of Managers, a **motion** was made by Manager Austinson and **seconded** by Manager Holmvik to adjourn the meeting. **Carried**. Chairman Christensen adjourned the meeting at 11:40 a.m.

John Austinson, Secretary