

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

**REGULAR MEETING  
April 14, 2010  
APPROVED MINUTES**

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, April 14, 2010. Managers in attendance included Diane Ista, Joe Spaeth, Greg Holmvik, Duane Erickson, John Austinson, Joe Spaeth and Dean Spaeth. In addition the following persons were in attendance: Administrator Tom Wollin, Assistant Administrator Loretta Johnson, Administrative Assistant Kari Kujava, Attorney Hanson, Engineer Jerry Bents, and interested landowners.
2. Chairman Christensen called the meeting to order at 8:35 a.m.
3. A **motion** was made by Manager Austinson and **seconded** by Manager J Spaeth to approve the agenda with the additions of discussion regarding the \$600K payment to the RRWMB. **Carried.**
4. **Open Microphone.** Erick Zurn stated that he was opposed to the Upper Becker Dam Project and asked if a Benefit Cost ratio had been completed. Attorney Hanson explained that doing a BC ratio isn't necessary for this project. Tom and Ronnie Baker asked about the J.D. #51 ice control structure being replaced. They were informed that this is a FEMA project and until written approval is received from FEMA, the District cannot move forward.
5. **Upper Becker.** Tom Bergren discussed the issues with the Riceville Township road and the fact that Riceville Township felt the ditch system should pay for road repairs over the last several years. Engineer Bents presented the proposed Five Year Plan of the WRWD, which if approved, Ron Harnack would present to the State of Minnesota for funding of Flood Mitigation Projects. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to submit the proposed five year plan to Ron Harnack as a request for funding from the State. **Carried with Managers Erickson, Aanenson and D Spaeth opposed.** George Read submitted a request for payment of his attorney fees, as a result of needed changes in his documents related to land acquisition on Upper Becker. A **motion** was made by Manager J Spaeth and **seconded** by Manager Erickson to table Read's request at this time. **Carried.** Managers were reminded of the reconvened hearing at 10:00 a.m. on April 21, 2010, at the Ada VFW Meeting Room.
6. **NRCS South Branch Evaluation.** Managers were advised that John Beckwith, NRCS, and other NRCS staff will be visiting the Watershed District and other areas between May 3-5 and plan to do a tour of the South Branch.
7. **USGS Stream Gauge Funding, Twin Valley.** Tom Wollin reported that the resolution to the State of Minnesota requesting that the funding for the stream gauge at Twin Valley was submitted and to date there has been no reply.

8. Olson Agassiz O & M Plan. Administrator Wollin reported on a meeting held recently in which landowners and DNR personnel in attendance agreed upon a temporary change to the O & M Plan for a period of three years to include a late winter drawdown. A **motion** was made by Manager J Spaeth and **seconded** by Manager Erickson to table any action until the May meeting. **Carried**.

### **PERMIT APPLICATIONS**

9. Erik Zurn, Section 31, Spring Creek Township. A **motion** was made by Manager Holmvik and **seconded** by Manager Ista to return Permit Application #4-14-10-1 of Erik Zurn due to lack of information needed such as detailed design and easement information. **Carried**.

10. A **motion** was made by Manager Austinson and **seconded** by Manager Ista to approve the following permit applications with Engineer's recommendations. **Carried** with Manager D Spaeth abstaining.

- Loretel Systems, Section 29, Viding Township. Permit Application #4-14-10-2 to install fiber optic cable under Clay County Ditch #14 with the condition that the cable is installed a minimum of 30" below the channel bottom.
- Loretel Systems, Section 1, Viding Township. Permit Application #4-14-10-3 to install fiber optic cable under Clay County Ditch #14 with the condition that the cable is installed a minimum of 30" below the channel bottom.
- Marc Olson, Section 26, Wild Rice Township. Permit Application #4-14-10-5 to install a field approach and culvert with the requirement that the pipe size is 30" in diameter or larger.
- Steve Mjolsnes, Section 12, Felton Township. Permit Application #4-14-10-7 to install a field approach and culvert with the requirement that the pipe size is 24" in diameter or larger.
- Gene Kappes, Section 29, McDonaldsville Township. Permit Application #4-14-10-8 to install a 24" culvert under his driveway.
- Randy Chisholm, Section 12, Strand Township. Permit Application #4-14-10-11 to fill existing ditches and install new ditches.
- Dean Spaeth, Sections 7, 12, 13, 18 Marsh Creek and Chief Township. Permit Application #4-14-10-12 to install subsurface tile and water and sediment basins with the recommendation that the applicant get approval from the NRCS and the SWCD regarding wetland issue.

11. A **motion** was made by Manager Holmvik and **seconded** by Manager Ista to table the following permits and obtain necessary information. **Carried**.

- James Renner, Section 34, Viding Township. Permit Application #4-14-10-4 to replace a 24" culvert with a new 24" culvert and construction ditch work along the east side of Section 34 of Viding Township. The landowner in the NE4 of Section 34, Viding Township, and the Viding Township Board will be notified.
- John Brandt, Section 11 Lake Ida Township. Permit Application #4-14-10-9 to construct a field crossing across a private ditch. Pipe sizes for the crossing must be provided.

12. Norman County Highway Department, Section 14, Waukon Township. A **motion** was made by Manager D Spaeth and **seconded** by Manager J Spaeth to approve Permit Application #4-14-10-6 to replace a wooden box culvert with a new culvert of the same capacity. **Carried**.

13. USFWS, Section 33, Spring Creek Township. A **motion** was made by Manager Erickson and **seconded** by Manager Austinson to **table** Permit Application #4-14-10-10 to install a tile outlet for Lindsey Lake. **Carried**. USFWS will be contacted regarding working with adjoining landowners in attempting to remove the water from the road ditch.

14. Barry Halland, Section 12, Waukon Township. A **motion** was made by Manager Erickson and **seconded** by Manager D Spaeth to approve Permit Application #4-14-10-13 to install a culvert an 18” by 80 foot culvert to gain access to his bin sight with the condition that the applicant contact the County Highway Department for authorization to work in the road ditch. **Carried.**
15. Joe Chisholm Violation Section 15, Sundal Township. Managers D Spaeth and J Spaeth toured the violation site along with Floyd Hanson. Consensus of both was that the restoration plan provided was not sufficient. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik to notify Joe Chisholm that he must have a revised plan for the restoration into the District office by 5:00 p.m. on April 20, 2010. **Carried with Manager Erickson opposed.**
16. Special Meeting, April 21, 2010. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik authorizing a Special Meeting to be scheduled for 9:00 a.m. on April 21, 2010, at the District office. **Carried.** The purpose of the meeting will be to act on the Chisholm violation and discuss Upper Becker updates and any other business that may come prior to the meeting notice.
17. Upper Becker. Dennis Ertelt presented his negotiator’s report and discussion followed. Managers discussed the fact that there is not a current appraisal on the Kragnes property that the District now owns. A **motion** was made by Manager Ista and **seconded** by Manager J Spaeth authorizing an appraisal of the property. **Carried.** A **motion** was made by Manager Ista and **seconded** by Manager Erickson authorizing staff to research alternative appraisers and come back to the board with an update on proposals or costs. **Carried.** A **motion** was made by Manager Ista and seconded by Manager Holmvik based on production activity. **Carried.** Manager J Spaeth opposed.
18. A **motion** was made by Manager Ista and **seconded** by Manager Austinson to close the meeting to discuss land negotiations for the following parcels of property: **Carried.** Recite purpose to discuss land acquisitions and price, who it’s on and which partcle. Loren Jetvig, Gerald Jirava and Lowell Anderson. The meeting was closed at 12:00 Noon. Ask Jerry for parcel description
19. Chairman Christensen reopened at 2:25 p.m.
20. Community Levee Projects/Hendrum and Perley. Curt Johanason, Mayor of Hendrum, joined the meeting. Johanason and Engineer Bents discussed the latest funding issues with the Managers, informing the Board that the DNR has indicated that they will be cutting funding considerably and both cities are to attempt to determine how and where they can cut the costs of the projects. Although there are some minor revisions that could be made, neither Hendrum nor Shelly wants to lower the elevation of their levees. Also discussed was the possibility of construction for one city each year for the next two years. Consensus of Mayor Johanason and Engineer Bents was that they would work on revised options to submit to the DNR and legislators.
21. Approval of Billings. A **motion** was made by Manager Holmvik and **seconded** by Manager J Spaeth to approve the bills as presented dated April 14, 2010, along with Managers per diems and expenses. **Carried.**

22. Financial Report Dated March 31, 2010. Accountant Marcussen presented the Financial Report dated 3/31/10. Manager Holmvik questioned if the insurance payment from AIG had been received. Staff stated that no check was received although Agent Jodia Nesbith informed the office approximately three weeks prior, that the check was in the mail. Attorney Hanson stated that he informed Nesbith that the Board was ready to begin either litigation or contact the Insurance Commissioner. Consensus of Managers was for Attorney Hanson to again contact AIG. Cash flow was also discussed, stating that the District had already paid out the attorney fees and were waiting for reimbursement. Manager Erickson brought up the issue of the WMD and Manager Ista reminded him that the WMD was voted on by the board quite some time ago, to be dropped and the District wasn't pursuing that option. A **motion** was made by Manager Holmvik and **seconded** by Manager J Spaeth to approve the financial report. **Carried.**

23. Farmstead Ring Dikes. A request in the amount of \$824 was submitted by Dave Scherfenberg for reimbursement of funds from spring of 2010 to repair his driveway on the dike that is in the process of being construction. A **motion** was made by Manager D Spaeth and **seconded** by Manager Erickson to deny the request. **Carried.**

24. Proposals for Mowing/Spraying; Consultants Legal, Engineering, Accounting, 2010. A **motion** was made by Manager Holmvik and **seconded** by Manager J Spaeth authorizing staff to obtain quotes for mowing and spraying 2010 and advertise in local newspaper for legal, engineering and accounting consultants 2010. **Carried.**

25. Audit 2010. A **motion** was made by Manager Ista and **seconded** by Manager Holmvik authorizing staff to obtain a quote from Drees, Risky and Vallager for the 2010 Audit for the District. **Carried.**

26. Flood Damages, Wild Rice River, 2010. A **motion** was made by Manager Ista and **seconded** by Manager J Spaeth authorizing the District to accept the quote of Arvid Ambuehl in the amount of \$10,800 for debris and flood damage cleanup on the Wild Rice River as a result of the flood 2010. **Carried.**

27. FEMA Repairs 2010. A **motion** was made by Manager J Spaeth and **seconded** by Manager Austinson to approve the recommendation provided by Engineer Bents for repair of flood damages on Projects and Ditches in the Wild Rice Watershed District as a result of the spring flood of 2010. **Carried.**

28. Managers Conflict of Interest. Administrator Wollin cautioned the Board regarding the conflict of interest issues and reminded Managers that previously today Dean Spaeth had abstained from voting on the permits to which he had an interest, one permit being his own. Wollin emphasized the need for each Manager to make sure that they abstain from voting if they knew that they had a direct benefit or gain as a result of their vote.

29. Attorney Hanson left the meeting at 4:00 p.m.

30. Small Project Requests, Mahnomen County SWCD. A **motion** was made by Manager Erickson and **seconded** by Manager Austinson to table the requests by Mahnomen County SWCD to determine if funding for those projects could be obtained from the Clean Water Legacy Grant. **Carried.**

31. Project Team Meeting. Consensus of Managers was to skip the April Meeting of the Project Team due to the current busy schedule of farmers.

32. NRCS Tour and Meeting. It was reported that NRCS officials would like a tour of the District's proposed projects for NRCS funding on May 4 and then would like to meet with the board on the 5<sup>th</sup> of May.

33. There being no further business to come before the Board of Managers a **motion** was made by Manager Holmvik and **seconded** by Manager J Spaeth to adjourn the meeting. **Carried**. Chairman Christensen adjourned the meeting at 4:15 p.m.

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Secretary John Austinson

Date	Num	Name	Memo	Amount
<b>Mar 18 - Apr 14, 10</b>				
03/24/2010	12770	Jeff and Vicky Borgen	Perley Levee Option	-500.00
03/29/2010	12791	Wayne A. and Kari E. Borgen	Hendrum Levee Option	-500.00
03/29/2010	12818	Wambach & Hanson Trust Account	radack - final payment	-191,875.27
03/31/2010	12882	Glenn Carter	Pingree borrow easement	-1,300.60
03/31/2010	12884	Ronald Safar	easement payment	-2,000.00
03/31/2010	12879	Ronald Safar	permanent easement payment	-5,000.00
04/14/2010	313284	Braun Intertec Corporation	Proj Mgmt & Eng for Comm Levee mprovements	-1,523.25
04/14/2010	12867	Dean P Spaeth	Mgrs Per Diems	-185.65
04/14/2010	12868	Diane J Ista	Mgrs Per Diems	-310.86
04/14/2010	12869	Duane L Erickson	Mgrs Per Diems	-267.69
04/14/2010	12870	Gregory R Homvik	Mgrs Per Diems	-244.73
04/14/2010	12871	John D Austinson	Mgrs Per Diems	-207.79
04/14/2010	12872	Joseph N Spaeth	Mgrs Per Diems	-237.46
04/14/2010	12873	Michael K Christensen	Mgrs Per Diems	-492.19
04/14/2010	12822	AmeriPride	rug rental	-62.75
04/14/2010	12823	Arvid L Ambuehl	april billings	-1,188.00
04/14/2010	12824	Braun Intertec Corporation	Proj Mgmt & Eng for Comm Levee mprovements	-1,523.25
04/14/2010	12825	Cardmember Service	payment	-121.04
04/14/2010	12826	City of Ada	Utilities	-397.90
04/14/2010	12827	Clay County Union	Upper Becker Hearing	-247.50
04/14/2010	12828	Consolidated Abstract	Jirava abstract	-176.00
04/14/2010	12829	Dean Spaeth	mileage	-125.00
04/14/2010	12830	Dean Todd	City of Hendrum Option	-1.00
04/14/2010	12831	Detroit Lakes Newspapers	notice of public hearing	-204.10
04/14/2010	12832	Diane Ista	mileage	-30.00
04/14/2010	12833	Dorsey & Whitney LLP	Vik Lawsuit	-459.20
04/14/2010	12834	Doug Spaeth	Small Projects	-3,000.00
04/14/2010	12835	Duane Erickson-Mgr	mileage reimbursement	-158.00
04/14/2010	12836	Ertelt Negotiations	Negotiations for Project #42	-22,836.50
04/14/2010	12838	Houston Engineering, Inc.	April 2010 billings	-58,758.15
04/14/2010	12839	James Wagner, Sr.	Beaver Control	-2,507.00
04/14/2010	12840	Joe Spaeth	mileage and exp reimburse	-124.24
04/14/2010	12841	John Austinson	mileage reimburse	-117.00
04/14/2010	12842	Jon Schauer	software support	-1,093.33
04/14/2010	12843	Loretel Systems	utilities	-299.65
04/14/2010	12845	Mahnomen Pioneer	advertising for Project #42	-77.00
04/14/2010	12846	MARCO, Inc.	copier lease	-598.50
04/14/2010	12847	Mike Christensen	mileage reimburse	-255.00
04/14/2010	12848	Norman County Auditor/Treasurer	property taxes	-985.92
04/14/2010	12849	Norman County Index-Ada	publication proj 42/ annual report	-1,004.11
04/14/2010	12850	Norman County Treasurer	Beaver damage control	-64.00
04/14/2010	12851	North Star Water	bottled water	-65.45
04/14/2010	12852	Office of State Auditor	WRWD Audit	-28,376.31
04/14/2010	12853	Office Supplies Plus	Office Supplies	-201.70
04/14/2010	12854	Ralph's Food Pride	suppoies	-19.88
04/14/2010	12855	Renae Kappes	office cleaning	-100.00
04/14/2010	12856	Rinke Noonan	Legal Fees	-2,514.30
04/14/2010	12857	Twin Valley Times	Upper Becker Hearing	-81.12
04/14/2010	12858	Visser Trenching	snow removal	-80.00
04/14/2010	12859	Wambach & Hanson	April billings	-4,564.86
04/14/2010	12860	Wayne A. and Kari E. Borgen	Hendrum Levee Option	-500.00
3/18-4/14/10		Payroll/emp ins & Med exp & Payroll taxes		-14,475.08
		Total		<b>-352,038.33</b>