

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

REGULAR MEETING
June 8, 2011
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, June 8, 2011. Managers in attendance included Diane Ista, Dean Spaeth, Greg Holmvik, Duane Erickson, John Austinson, Raymond Hanson and Mike Christensen. Absent: None. In addition the following persons were in attendance: Administrator Kevin Ruud, Loretta Johnson, Engineer Bents and various other interested taxpayers and landowners.
2. Chairman Holmvik called the meeting to order 8:30 a.m.
3. Agenda Approval. A **motion** was made by Manager Christensen and **seconded** by Manager Ista to approve the agenda with the addition of renewal of CD Loan at Frandsen Bank, authorization of chairman and treasurer to sign papers, resolution for chairman to sign subgrant agreements for FEMA disaster, and Manager Erickson requested to add TMDL Grant, NRE on Becker Dam Project, O & M Plan on Moccasin Creek and Manager Ista the Downstream Impacts Group and Engineer Bents Jacobson & Merkle demolition bids. **Carried**.
4. Approval of Billings. Chairman Holmvik asked for a motion to approve billings and reported that Treasurer Spaeth had reviewed the invoices. A **motion** was made by Manager Hanson and **seconded** by Manager Christensen to approve payment of the billings as distributed and discussed. **Carried**.
5. Meeting Minutes. A **motion** was made by Manager Hanson and **seconded** by Manager Spaeth to approve the May 11, 2011, meeting minutes as distributed. **Carried**.

6. FEMA 2011 Disaster Resolution. A **motion** was made by Manager Spaeth and **seconded** by Manager Austinson authorizing execution of and Chairman Holmvik and Vice Chairman Christensen to sign the following resolution. **Carried**.

Resolution Delegating Legal Signing Authority

Be it resolved that the jurisdiction of the Wild Rice Watershed District, has authorized Greg Holmvik, Chairman or Mike Christensen, Vice Chairman to sign any and all grants or required documentation from the Division of Homeland Security and Emergency Management at the Department of Public Safety, execution on behalf of the Wild Rice Watershed District.

Dated: June 8, 2011

Signed:

Signature Chairman

Attest

Signature Administrator

7. Downstream Impact Committee Report – Ista. Manager Ista requested consideration from the Board of Managers to support the Downstream Impacts Committee by submitting comments that state opposition to the COE regarding Plan #2 for the Fargo Diversion. Ista also requested a donation of at least \$1,000 to support the committee for legal assistance. Managers objected to the donation of any funds. Due to the time constraint and the hearing scheduled for Project #30, further comments were delayed until later in the meeting. At this time Chairman Holmvik recessed the meeting to be reconvened following the Hearing on the Repair of Project #30.

8. Hearing on Project #30. Chairman Holmvik called the hearing on Project #30 to order at 9:00 a.m. Manager Ista moved to the audience and is not taking part in the voting or the discussion as a Board member, but rather a landowner on the project. Engineer Bents gave a PowerPoint presentation, a hard copy which is available at the District office. The total cost of the project is estimated to be approximately \$630,048 with \$358,620 FEMA funding and the balance of \$200,000, assessed back to the project. Testimony was taken from landowners. Jerry Bitker stated that he agreed the ditch needs to have the repairs but felt additional funding should come from Norman County. He also raised concerns regarding maintaining the eligible weight limits on the bridge for loaded farm trucks and machinery using the crossing to haul to storage. Curt Sorenson expressed concerns regarding the fact that the water needs to be slowed down before any maintenance is done and stated that since the work on Highway #19 was completed by the county an additional three to four times the amount of water is coming into the system. Considerable discussion was held regarding the additional flow coming into the system in recent years, the elevation drop from the east end of the system to the outlet, larger culverts placed in and along County Highway #19 and the need for upstream storage. Diane Ista agreed with the need for upstream storage, but stated that too, takes funding and at the current time, the District does not have funds for a project of this kind. Curtis Sorenson also stated that if the project goes through he would need a lot more compensation and would like in writing that the land would be cleaned up to its original condition prior to construction. After Chairman Holmvik called three times for any additional comments and there were none, the public comments portion of the hearing was closed at 9:55 a.m.

Managers discussed the concerns of landowners and taking into consideration their thoughts. Manager Erickson's thought was to delay the project and come up with a better idea. Manager Spaeth stated that if the District doesn't do the repair at the present time they will lose the FEMA funds. Engineer Jerry Bents stated that the Board of Managers has an obligation to repair the ditch under current ditch law. After considerable discussion, a **motion** was made by Manager Hanson and **seconded** by Manager Christensen to approve repairing the ditch as the repair report was presented. **Carried with Manager Ista abstaining and Manager Erickson opposed.** At this time the hearing was closed and Manager Ista moved back to the Board table.

PERMIT APPLICATIONS

9. Tim Hoff, Section 27, Mary Township. A **motion** was made by Manager Austinson and **seconded** by Manager Hanson to approve Permit Application #6-8-11-6, of Time Hoff to install subsurface drain tile and clean/grade a ditch with the following recommendations and conditions. **Carried.** 1. Recommendation that the applicant contact and coordinate with the NRCS/SWCD/FSA offices to ensure approval/clearance regarding any potential wetland issues (and with the USFWS for installation of tile on any parcel that is under easement from the USFWS). 2. Recommendation that the applicant obtain approval from the necessary road authorities (township, county, state,...) for any work in the road R/W and for any work in the road R/W and the drainage authorities (county) for outlets into legal ditches not under WRWD watershed jurisdiction. 3. Approved with the condition that the applicant is responsible for adequate erosion control measures at the outlet of the tile system and at the outlet of the cleaned ditch (into Project 20). This should include the installation of riprap or other protection measures at pup outlets. It will remain the responsibility of the applicant to maintain this protection as long as the tile is in place and operating. 4. Approved with the condition that all gravity outlets be installed above (however not more than 2-feet above) the elevation of the original design gradeline of the receiving ditch or channel. 5. Pumped Outlets Only – Approved with the condition that the pump(s) are not to be operated during freezing conditions and during times of downstream flooding. 6. Approved with the condition that the applicant obtains approval from the landowner in the SW1/4 of Section 27 of Mary Township.

COMPLAINTS

10. Gene Thompson Complaint Section 31, Flom Township, by Robert Thompson. Engineer Bents reported on the complaint filed by Gene Thompson that Robert Thompson had done illegal cleaning in Section 31 of Flom Township. Bents stated that Technician Mark Aanenson and Manager Christensen completed an on-site investigation and determined that a violation existed and there were photos shown that clearly depict cleaning into the clay. Manager Christensen stated that it is clearly a violation done without a permit and much deeper than just cleaning. After considerable discussion a **motion** was made by Manager Ista and **seconded** by Manager Christensen to notify Robert Thompson of the violation and the fact that he is required to restore the area to its original condition by July 13, 2011, (the July Board meeting). **Carried with Manager Erickson opposed.**

PERMIT APPLICATIONS

11. Gene Thompson, Section 31, Flom Township. A **motion** was made by Manager Hanson and **seconded** by Manager Austinson authorizing a temporary permit to install a field approach with a 24" culvert until July 13, 2011, at which time another determination will be made. **Carried with Manager Erickson opposed.**

12. A **motion** was made by Manager Hanson and **seconded** by Manager Ista to approve the following permit applications with conditions and recommendations as shown. **Carried with Manager Spaeth abstaining in #22. Carried.**

- **Michael Boman, Section 26, Wild Rice Township.** Permit Application #6-8-11-1, to install drain tile along his driveway approved with the following conditions: 1. Recommendation that the applicant contact and coordinate with the NRCS/SWCD/FSA offices to ensure approval/clearance regarding any potential wetland issues (and with the USFWS for installation of tile on any parcel that is under easement from the USFWS). 2. Recommendation that the applicant obtain approval from the necessary road authorities (township, county, state,...) for any work in the road R/W and for any work in the road R/W and the drainage authorities (county) for outlets into legal ditches not under WRWD watershed jurisdiction. 3. Approved with the condition that the applicant is responsible for adequate erosion control measures at the outlet of the tile system and at the outlet of the cleaned ditch (into Project 20). This should include the installation of riprap or other protection measures at pup outlets. It will remain the responsibility of the applicant to maintain this protection as long as the tile is in place and operating. 4. Approved with the condition that all gravity outlets be installed above (however not more than 2-feet above) the elevation of the original design gradeline of the receiving ditch or channel. 5. Pumped Outlets Only – Approved with the condition that the pump(s) are not to be operated during freezing conditions and during times of downstream flooding.
- **Wayne Borgen, Section 20, Lee Township.** Permit Application #6-8-11-2, to install a field approach approved with the condition that the pipe size matches the pipe in the approach just to the north.
- **David Eiynek, Section 11, Popple Grove Township.** Permit Application #6-8-11-3, to install subsurface drain tile approved with the following conditions/recommendations: 1. Recommendation that the applicant contact and coordinate with the NRCS/SWCD/FSA offices to ensure approval/clearance regarding any potential wetland issues (and with the USFWS for installation of tile on any parcel that is under easement from the USFWS). 2. Recommendation that the applicant obtain approval from the necessary road authorities (township, county, state,...) for any work in the road R/W and for any work in the road R/W and the drainage authorities (county) for outlets into legal ditches not under WRWD watershed jurisdiction. 3. Approved with the condition that the applicant is responsible for adequate erosion control measures at the outlet of the tile system and at the outlet of the cleaned ditch (into Project 20). This should include the installation of riprap or other protection measures at pup outlets. It will remain the responsibility of the applicant to maintain this protection as long as the tile is in place and operating. 4. Approved with the condition that all gravity outlets be installed above (however not more than 2-feet above) the elevation of the original design gradeline of the receiving ditch or channel. 5. Pumped Outlets Only – Approved with the condition that the pump(s) are not to be operated during freezing conditions and during times of downstream flooding.
- **John Habedank Section 16, Fossum Township.** Permit Application #6-8-11-4 to install pattern drain tile approved with the following conditions and recommendations: 1. Recommendation that the applicant contact and coordinate with the NRCS/SWCD/FSA offices to ensure approval/clearance regarding any potential wetland issues (and with the USFWS for installation of tile on any parcel that is under easement from the USFWS). 2. Recommendation that the applicant obtain approval from the necessary road authorities (township, county, state,...) for any work in the road R/W and for any work in the road R/W and the drainage authorities (county) for outlets into legal ditches not under WRWD watershed jurisdiction.

- 3. Approved with the condition that the applicant is responsible for adequate erosion control measures at the outlet of the tile system and at the outlet of the cleaned ditch (into Project 20). This should include the installation of riprap or other protection measures at pup outlets. It will remain the responsibility of the applicant to maintain this protection as long as the tile is in place and operating.
- 4. Approved with the condition that all gravity outlets be installed above (however not more than 2-feet above) the elevation of the original design gradeline of the receiving ditch or channel.
- 5. Pumped Outlets Only – Approved with the condition that the pump(s) are not to be operated during freezing conditions and during times of downstream flooding.
- Gene Kappes, Section 29, McDonaldsville Township. Permit Application #6-8-11-7 to install a 24” culvert in his driveway, (which is a renewal of an older permit application) approved with no conditions.
- John Kraft, Section 11, Wild Rice Township. Permit Application #6-8-11-8 to install a field approach without a culvert, approved with no conditions.
- Norman County Highway Department, Sections 9-10, Sundal Township. Permit Application #6-8-11-9 to move a culvert approved with the condition that the applicant obtains approval from the landowners in the NW ¼ of Section 10 and the NE ¼ of Section 9 of Sundal Township.
- Norman County Highway Department, Section 2, Sundal Township. Permit Application #6-8-11-10 to replace a 36” concrete box culvert with a 24” CMP approved with the condition that the applicant obtains approval from the landowners in the SESW and SWSE of Section 2 of Sundal Township.
- Luverne Petry, Section 35, Lockhart Township. Permit Application #6-8-11-11 to reshape ditch and move a culvert to line up with new channel approved with no conditions.
- Ed Scherping, Dale Pazdernik, Section 34-35, Pembina Township. Permit Application #6-8-11-12 to remove and extend culverts, install culverts, lower culvert, replace ditch with buried culverts approved (renewal) with no conditions.
- Ed Scherping, Section 34, Pembina Township. Permit Application #6-8-11-13 to extend a 36” culvert, widen a field crossing and realign a ditch approved with no conditions.
- Robert Tjon, Section 5, Home Lake Township. Permit Application #6-8-11-15 to install a field approach with an 18” culvert approved with no conditions.
- Robert Tjon, Section 6, Home Lake Township. Permit Application #6-8-11-16 to install a field approach with an 18” culvert approved with no conditions.
- Robert Tjon, Section 7, Home Lake Township. Permit Application #6-8-11-17 to install a field approach with an 18” culvert approved with no conditions.
- Adam Stalboerger, Section 1, Popple Grove Township. Permit Application #6-8-11-22 to install a culvert and approach with no conditions.

13. City of Hitterdal, Section 34, Goose Prairie. A **motion** was made by Manager Spaeth and **seconded** by Manager Hanson to **table** Permit Application #6-8-11-5 for a culvert replacement and request the applicant provide the pipe size and elevation information regarding the culvert replacement and provide written approval from the MN DNR. **Carried.**

14. Keith Chisholm, Section 13, Green Meadow Township. A **motion** was made by Manager Erickson and **seconded** by Manager Spaeth to approve Permit Application #6-8-11-18 to install an additional centerline culvert and remove dry block and install culvert at that location, approved as requested. **Carried.**

15. A **motion** was made by Manager Spaeth and **seconded** by Manager Hanson to continue to table the following permit applications as previously done. **Carried.**

- **Lyle Fuchs, Section 9, Sundal Township.** Permit Application #6-8-11-19, to install subsurface drain tile.
- **Michael Holte, Section 20-21 in Shelly Township.** Permit Application #6-8-11-20 to move an 18" CMP and reset another 18" CMP.
- **Blair Hoseth, Section 11, Fossum Township.** Permit Application #6-8-11-21 to install drain tile.

16. **Community Ring Dikes, Perley, Hendrum, Shelly.** Engineer Bents reported that construction will begin next week on Perley. He stated that he has been in contact with MN Northern Railroad regarding removal of the RR tracks and MnDOT regarding pipes through State Highway #75. A **motion** was made by Manager Ista and **seconded** by Manager Hanson to approve Change Order for Community of Perley in the amount of \$109,657. **Carried.** A **motion** was made by Manager Christensen and **seconded** by Manager Hanson to approve a Change Order for the Community of Hendrum in the amount of \$13,152.65. **Carried.** A **motion** was made by Manager Hanson and **seconded** by Manager Christensen to approve Pay Request #3 in the amount of \$274,528.12 to Zavoral Construction. **Carried.**

17. **Permit Fees.** Manager Hanson discussed the possibility of charging a fee for permits. The District spends a lot of time and funds on permitting, investigations and administrative work. He stated that his point was to get reimbursed for the costs incurred. Discussion ranged from who may or may not be exempt, how the fees would/could be calculated, or charging a flat fee. Manager Erickson stated that he disagreed with the whole concept and felt it would not go over well with landowners. Manager Hanson stated that this would be a specific expense towards your operation and no different than the fees that are paid for building permits, hunting and fishing licenses, etc. Manager Christensen didn't agree with charging of the fees for a Watershed District permit. Manager Ista felt that the Board should wait until Attorney Hanson has a chance to review the issue. Chairman Holmvik stated that it could be placed on the agenda in a couple of months and Manager Spaeth stated that would give him time to visit with constituents regarding the issue.

18. **Halstad Telephone Company Easement.** A **motion** was made by Manager Austinson and **seconded** by Manager Hanson to approve the request by the Halstad Telephone Company for an easement in the Northwest Corner of Norman County. **Carried.**

19. **Financial Report Dated May 31, 2011/Managers Per Diems & Expenses.** A **motion** was made by Manager Spaeth and **seconded** by Manager Hanson to approve payment of Managers per diems and expenses as submitted. **Carried.** Accountant Marcussen presented the financial report dated May 31, 2011. A **motion** was made by Manager Austinson and **seconded** by Manager Hanson to approve the financial report as presented. **Carried.** A **motion** was made by Manager Hanson and **seconded** by Manager Christensen authorizing Chairman Holmvik and Treasurer Spaeth to execute the renewal of the CD loan at Frandsen Bank and a check for the interest due in the amount of \$3,219.33 to be issued to Frandsen Bank. **Carried.**

20. **TMDL Grant Application.** Manager Erickson requested that Administrator Ruud make sure that the TMDL Grant application is addressed.

21. **Upper Becker Option D.** Manager Erickson asked to obtain additional information regarding the Natural Resource Benefits (NRE) on Option D for Upper Becker.

22. O & M Plan for Moccasin Creek. Administrator Ruud reported that the District is still waiting to hear from the NRCS and SWCD regarding acres from landowners in the area upstream of Moccasin that could be used as a replacement for the change in the O & M Plan. Manager Erickson stated that he talked with Shaun Balstad, Norman County NRCS, who stated that they didn't have any information from landowners to date. Chairman Holmvik stated that this request from the District for the change needs to be presented to the Project Team. Manager Erickson asked that Ruud contact the DNR representative to determine the status.

23. Downstream Impact Committee Report – Ista. The Managers returned to discussing Ista's request for financial support to be used for legal resources to the Downstream Impact Committee and a letter to the COE stated that the District opposes the Fargo Diversion Plan as presented. Consensus of Managers was to not support the committee financially; however a **motion** was made by Manager Hanson and **seconded** by Manager Christensen to submit the same letter to the COE as previously submitted stated that the District opposed the current plan as presented. **Carried**. Manager Erickson asked Board members if he could attend the upcoming Red River Downstream Impacts Group Meeting. He was told that he could attend if he chose, but could not charge his expenses to the District to be reimbursed.

24. Rural Acquisition 2006 Demolition. Engineer Bents reported that bid opening for the demolition of the Merkle/Jacobson properties is scheduled for 10:00 am. On June 23, 2011. A **motion** was made by Manager Ista and **seconded** by Manager Hanson authorizing staff to award the bids to the lowest reasonable bidder. **Carried**.

25. District Office Closed. Administrator Ruud stated that the District office will be closed Monday June 27, 2011, due to electrical upgrades to the Wild Rice Building.

26. Upper Becker Project D. Manager Ista stated concerns on Project D due to the letter sent to the RRWMB by Eric Zurn in which he expressed dissatisfaction over land issues. Ista stated that it had been her understanding that landowners were in favor of "D." The RRWMB is scheduled to have the Step I process on their upcoming meeting agenda. Manager Erickson stated that there are issues regarding the value placed on the land but felt that these numbers would be updated when the appraisals are made available from the lending agency for the District's upcoming loan.

27. Contractor Notice Regarding Permits. Manager Christensen recommended that staff send a letter to Lunde (contractor who did the work on the violation previously discussed) notifying him that when he does construction needing permits from the District, he must have the permit in hand prior to doing the work. Administrator Ruud stated that he would take care of that.

28. There being no further business to come before the Board of Managers, a **motion** was made by Manager Erickson and **seconded** by Manager Hanson to adjourn the meeting. **Carried**. Chairman Holmvik adjourned the meeting at 12:15 p.m.

John Austinson, Secretary

Date	Num	Name	Memo	Amount
May 12 - Jun 8, 11				
05/20/2011	13814	Zavoral & Sons	Pay Req #3 Perley	77,291.81
06/08/2011	13784	AmeriPride	Office Expense	66.81
06/08/2011	13785	Arvid L Ambuehl	Debris & Inspections	1,909.58
06/08/2011	13786	AT&T	Utilities	29.74
06/08/2011	13787	Becker County SWCD		1,230.00
06/08/2011	13788	Braun Intertec Corporation	Hendrum	1,879.13
06/08/2011	13789	Cardmember Service	payment	272.47
06/08/2011	13790	City of Ada	Utilities	298.68
06/08/2011	13791	Clay County SWCD	CLP Grant	2,871.00
06/08/2011	13792	Gordon Construction	Repair	25,441.75
06/08/2011	13793	GreenWay Lawn Spraying	Parking Lot Maintenance	69.47
06/08/2011	13794	Houston Engineering, Inc.	Engineering June 11	52,970.63
06/08/2011	13829	James Wagner, Sr.	Beaver Control May	4,495.59
06/08/2011	13833	Kris Versdahl	Web Page	120.00
06/08/2011	13834	Larry's Excavating	Culvert Cleanout	144.00
06/08/2011	13835	Loretel Systems	Utilities	52.31
06/08/2011	13837	Mahnomen Soil & Water Cons. District	Clean Water Partnership	3,080.00
06/08/2011	13838	MARCO, Inc.	Copier Lease	616.89
06/08/2011	13839	Marcussen Accounting	Accounting	1,411.25
06/08/2011	13840	Morris Electronics, Inc.	Electronics	166.99
06/08/2011	13841	Norman County Abstract	Update abstracts	261.00
06/08/2011	13842	Norman County Index-Ada	Annual Rep & Proj #30	2,121.67
06/08/2011	13843	Norman County Sheriff's Department	Serve Notice on Proj #30 Repair	52.00
06/08/2011	13844	North Star Water	supplies	35.60
06/08/2011	13845	Office Supplies Plus	Office Supplies	757.42
06/08/2011	13846	Red River Watershed Management Board	May 2011 Cost Share Norman Co.	125,924.41
06/08/2011	13847	Rena Kappes	May Cleaning	150.00
06/08/2011	13848	Sun-Flowers	General	42.77
06/08/2011	13849	Wambach & Hanson	Legal Counsel	1,866.80
06/08/2011	13850	Zavoral & Sons	Pay Req ##3 Hendrum	274,528.12
06/08/2011	13826	Loretel Systems	Utilities	259.01
06/08/2011	13857	John D Austinson	Managers per diems & exp	95.65
06/08/2011	13858	Michael K Christensen	Managers per diems & exp	167.85
06/08/2011	13859	Raymond M Hanson	Managers per diems & exp	89.13
06/08/2011	13856	Gregory R Homvik	Managers per diems & exp	89.64
06/08/2011	13855	Duane L Erickson	Managers per diems & exp	192.32
06/08/2011	13854	Diane J Ista	Managers per diems & exp	132.15
06/08/2011	13853	Dean P Spaeth	Managers per diems & exp	148.98
06/08/2011	13828	Frandsen Bank	Interest on Loan	3,219.33
5/125-6/8/11		Payroll/emp ins &	Med exp & Payroll taxes	17,466.46
			Total	<u>602,018.41</u>