

# **WILD RICE WATERSHED DISTRICT**

**11 Fifth Avenue East**

**Ada, MN 56510**

**Ph: 218-784-5501**

## **REGULAR MEETING**

**June 11, 2008**

### **Approved Minutes**

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday June 11, 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 Hanson, Tim Halle, Loretta Johnson, Marijo Vik, Mick Alm, Dave Stumbo, Brian Borgen, and Raymond Hanson.

2. Chairman Seykora called the meeting to order at 8:40 a.m.

3. A motion was made by Manager Spaeth and seconded by Manager Wright to approve the agenda with the addition of the following: update on COE WRRFS and per diem issues. Carried.

4. Dave Stumbo discussed two properties owned by him and Bud Lundberg, which they are working with Ducks Unlimited and possible WRP for a wetland restoration. A motion was made by Manager Spaeth and seconded by Manager Vellenga for staff to send a letter to John Vaas, Ducks Unlimited, encouraging him to include flood storage to the project. Carried.

5. Upper Felton Project. Manager Wright is not taking part in any of this discussion. Engineer Bents distributed maps and planning steps for the Felton Sub-Watershed, stating that there are no specific sites at this time; this process would be to solicit landowners for sites, asking for volunteers, who might have interest in their land being used for a project. A motion was made by Manager Ista and seconded by Manager Vellenga to adopt the goals as written with additional language that the project address downstream sediment and that staff will coordinate a public meeting. Carried. Manager Wright did not vote.

6. Open Microphone. Mick Alm stated that he was here regarding the Norman County permit application. Engineer Bents stated that the recommendation to the board would be to table the permit until the July meeting and notify neighboring landowners.

7. Project #42. Administrator Dalen discussed the meeting on the 10<sup>th</sup> of June held in Ulen with the Citizens for Farmland Preservation (CFP). Dalen stated that the three major concerns of landowners with the CD #18 project were seepage outside of the project; backup of water; and unseen problems in and out of the project site. Dave Stumbo stated that he has worries because of the problems that currently exist with Clay County Ditch #18 system. Manager Vipond stated that it seems that seepage and backup of Clay County Ditch #18 are major concerns and asked how the District could identify ways to solve some of those, possibly with a report; this could be precedent setting, and the District needs landowners to have an advantage for having a project there.

A motion was made by Manager Vipond and seconded by Manager Wright authorizing an engineer's report on CD #18 including addressing the seepage issue around the Schultz property and supply information to provide landowners where they will be with their property in the future. Carried.

8. Upper Becker Project. Engineer Bents distributed the preliminary results on the Upper Becker Dams soil borings report from American Engineering. Bents stated that there will be wetland mitigation for this site and Mark Aanenson, Houston Engineering, will be delineating the site as soon as the weather permits.

9. Clay County Ditch #18, Cleanout. Administrator Dalen stated that he attended an onsite meeting with Schultz who submitted the request for a cleanout of Clay County Ditch #18. Joe Gerner has indicated that he would like to be incorporated into the request for a cleaning. Engineer Bents stated that this will be a normal maintenance of the project.

10. County Board Meetings Documentation. A motion was made by Manager Ista and seconded by Manager Vellenga that Managers be provided documentation of information presented at County Board meetings prior to the meeting. Carried. Manager Spaeth opposed.

11. Water Management District (WMD). Administrator Dalen encouraged Board members to attend the WMD meeting scheduled for June 12, 2008, at the Clay County Court House.

12. Twin Valley Dam Steering Committee. Manager Christensen stated that no meetings have been held recently.

13. DNR Dam Correspondence. Correspondence dated June 2, 2008, received from Mark Holsten, Commissioner of the DNR was distributed for review. Included was the following: "The DNR's position is that a high hazard dam, such as the Twin Valley Dam, for the purposes of agricultural flood protection is not an acceptable risk, especially when other reasonable options exist. A permit for a high hazard dam, in this or similar situations would not be approved and pursuit of these projects would be futile." The summary of the letter stated, "The DNR wants to work with you to responsibly manage the flood issues. Utilizing the recommendations developed through the mediation process will be the most productive." Engineer Bents stated that he and Administrator Dalen met on October 27, 2007, with DNR Kent Lokkesmoe and Larry Kramka regarding the issues of mitigation for onstream storage; however their questions related to the South Branch, not the Twin Valley Dam. Managers Vellenga and Vipond felt this correspondence should be provided to legislators in correspondence. Administrator Dalen suggested meetings with legislators and felt that full board attendance should be authorized. A motion was made by Manager Vellenga and seconded by Manager Ista that legislators are notified via correspondence of the information in Mr. Holsten's letter with copies to the DNR; and a full board meeting with legislators be authorized. Carried. Manager Seykora opposed.

14. Heitman Coulee Access. Engineer Bents reported that cleanout on the Heitman Coulee is complete including the seeding. Gordon Construction was the contractor. Administrator Dalen has been working with Dwight Heitman and Anderson regarding a construction access easement. A motion was made by Manager Spaeth and seconded by Manager Vipond to work out an easement with Nelsons that would be on an annual basis but renewed automatically unless the District received notice that the Nelsons do not want a renewal. Carried.

15. Mahnomen West Side Flood Control. Administrator Dalen reported that the City of Mahnomen has indicated that they are currently not interested in paying the overage on the property acquisition as previously stated for the Mahnomen Project. A motion was made by Manager Ista and seconded by Manager Vipond authorizing Dalen to contact Mitch Berg and schedule a meeting with the Mahnomen City Council to discuss the issue. Manager Spaeth will also attend. Carried.

16. Moccasin Creek Dam O & M Plan. Engineer Bents reported that the District received a reply from the DNR regarding changes requested by the District to the Moccasin Creek O & M Plan, in which they recommended that the District apply for a permit. A motion was made by Manager Vipond and seconded by Manager Vellenga to submit a DNR waters permit application for changes to the O & M Plan for Moccasin Creek Dam. Carried.

17. Acquisition Update. A motion was made by Manager Wright and seconded by Manager Ista to accept the proposal submitted by Brugen Environmental in the amount of \$4,375 for the removal of hazardous waste from the Merkens property and also request a proposal for the Lee property. Carried.

18. Mileage Compensation. A motion was made by Manager Vellenga and seconded by Manager Christensen to set the mileage rate for Managers and staff at the IRS recommended rate. Carried.

19. J.D. #51 Cleanout. A motion was made by Manager Spaeth and seconded by Manager Wright to accept the low bid of D & J Excavating in the amount of \$18,000 for the cleanout of J.D. #51. Carried.

20. COE WRRFS. Engineer Bents distributed a Memorandum for Record dated May 12, 2008, prepared by Nan Bischoff, regarding the May 7, 2008, teleconference with Dalen and Bents. Also distributed was a May 2008 progress report which included a financial standing of the study through May 31, 2008, prepared by Bischoff. Administrator Dalen stated that he would be talking to Larry Kramka, DNR, regarding additional funding options to use for Phase 2 of the Feasibility Study.

21. Mowing/Spraying/Ditch Maintenance. Chairman Seykora stated while inspecting the ditch systems for mowing/spraying/maintenance he incurred several areas where landowners are using the ditch right-of-way for farmland production. Consensus of Managers was that Seykora continue to note these areas on the maps and letters would be sent to landowners stating that the District would restore right-of-way, with costs assessed to the ditch system. If there is a second occurrence the costs will be assessed to the landowner. It was also suggested that Tim Halle place an article in the local newspaper reminding landowners that they must refrain from using the right-of-ways for farming practices or they would be required to restore them.

Administrator Dalen stated that he had discussions with Ambuehl regarding the increasing fuel costs for mowing. It was agreed that Ambuehl would begin the mowing and bring the cost of fuel to Dalen would then come up with a reasonable plan regarding an adjustment for the payment for fuel.

22. Staff Policy. Administrator Dalen distributed a draft vehicle use policy and asked that Board members bring it back to the July meeting for review. A motion was made by Manager Vipond and seconded by Manager Vellenga authorizing the per diem rates for meals and lodging to be set at \$50 per day for meals and up to \$130 per day for lodging, with receipts necessary if outside of the guidelines. Carried.

## **PERMIT APPLICATIONS**

23. A motion was made by Manager Vipond and seconded by Manager Vellenga to approve the following permit applications. Carried.

City of Twin Valley, Section 16, Wild Rice Township. Permit #06-11-08-4 to install a light post on the levee adjacent to the Heiberg Dam.

Agassiz Recreational Trail, Section 10, Home Lake Township. Permit #6-11-08-5 to replace three 30" culverts and one 36" culvert through the recreational trail with the condition that the culverts are replaced with culverts of the same capacity, at the same location and at the same elevation.

Greg Zillmer, Section 18, Ulen Township. Permit #6-11-08-6 to install a field approach with a 30" CMP.

David Overbo, Clay County Engineer, Section 12, Morken Township. Permit #6-11-08-7 to install a driveway with a 30" CMP.

MNDOT, Section 19, Lee Township. Permit #6-11-08-8 to replace a 57 x 38 CMP with a 58 x 36 RCPA and lower the culvert by 0.5 feet at the same elevation and not more than 0.5 feet lower in elevation.

Lyndon Bendickson, Section 3, Pembina Township. Permit #6-11-08-9 to replace a 12" CMP with a longer 15" CMP and widen the field approach with the condition that the culvert is installed at the same elevation.

Roy Christianson, Section 35, Halstad Township. Permit #5-16-08-4 to install a field approach with an 18" culvert and flap gate.

Gregory Township, Sections 3 and 4, Gregory Township. Permit #5-16-08-7 to extend the existing culvert and lower it by two feet with the condition that the pipe is installed in accordance with the repair determination of the Mahanomen County Engineer (lowered by not more than 1.75 feet and extended ten feet on either end).

24. A motion was made by Manager Wright and seconded by Manager Spaeth to table the following permit applications. Carried.

Norman County, Section 2, Halstad Township. Permit #6-11-08-1 to replace a bridge over J.D. #53, Lat #2, with three 14 x 14 box culverts. Upstream landowners for ½ mile and downstream landowners to the Marsh River will be noticed that action will be taken at the July meeting.

Becker County Highway Department, Sections 4 and 33 of Atlanta and Walworth Townships. Permit #6-11-08-2 to replace an existing bridge over the South Branch with a row of three concrete box culverts 12' x 6'. Adjacent landowners will be noticed that action will be taken at the July meeting.

Becker County Highway Department, Section 30 of Walworth Township. Permit #6-11-08-3 to replace an existing bridge over the South Branch with two concrete box culverts 14' x 8'. Adjacent landowners will be noticed that action will be taken at the July meeting.

25. Complaints/Violations. A motion was made by Manger Spaeth and seconded by Manager Wright to notify Thomas Kukowski that the board has ordered the block be removed in Section 34, Viding Township and restored to its preconstruction condition, notify the District upon completion, and costs related to the violation will be charged to Kukowski. Carried.

Engineer Bents reported that regarding the complaint filed by Ambuehl against Vik, the survey crew will be there within a short time.

26. Public Outreach. Tim Halle suggested articles on the ditch system right-of-way issues, Upper Felton, corridor funding issues and CD #18.

27. Request for Information. Chairman Seykora suggested that staff log their time used to fill information requests to determine the actual costs to the District for a year.

28. Project Team Meeting. A motion was made by Manager Christensen and seconded by Manager Vellenga to schedule a Project Team meeting for Wednesday, June 25, 2008, at 10:00 a.m. Carried.

29. J.B. Associates Limited, Inc. A motion was made by Manager Vellenga and seconded by Manager Wright to notify J.B. Asc. Ltd, Inc. that the payment would be in accordance with the judge's order for \$460. Carried.

30. Personnel Committee Report. Manager Vipond reported that he met with Manager Christensen, staff and some Managers and will compile the recommendations for the board regarding the salary request of Administrator Dalen which will be presented in July.

31. Approval of Minutes. A motion was made by Manager Spaeth and seconded by Manager Wright to approve the minutes of the May 14, 2008, regular meeting, with the addition of Appendix A to Paragraph 11, Page 4. Carried. A motion was made by Manager Christensen and seconded by Manager Wright to approve the minutes of the May 16, 2008, reconvened meeting with the addition of board consensus to Paragraph #43. Carried.

32. Meetings/Conferences/Seminars. A motion was made by Manager Wright and seconded by Manager Spaeth authorizing attendance at the Becker County SWCD tour scheduled for 8:30 a.m. on June 17, 2008, leaving from the Audubon Lutheran Church. Carried.

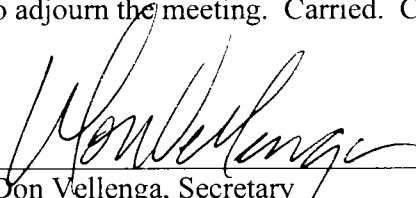
33. RRWMB Tour of Project #42. Chairman Seykora expressed concerns regarding the fact that people in separate vans heard different messages regarding project #42 and recommended that a bus be used on tours providing everyone with the same speakers. Manager Ista stated that she in her van only answered questions asked and did not degrade the project.

34. Farmstead Ring Dikes. A motion was made by Manager Vellenga and seconded by Manager Spaeth authorizing Payment #1 in the amount of \$10,818 to D & J Excavating for the Jonathon Grothe Ring Dike. Carried.

35. Financial Report. A motion was made by Manager Ista and seconded by Manager Wright to approve the financial report dated April 30, 2008, as presented by Accountant Marcussen. Carried. A motion was made by Manager Spaeth and seconded by Manager Wright designating the chairman, treasurer and secretary as alternate, for signature on District checks and for the District accountant to negotiate certificates of deposit and direct debiting of funds not in excess of \$10,000. Carried.

36. Approval of Billings. A motion was made by Manager Wright and seconded by Manager Vipond to approve the billings as distributed, along with Managers per diem and expenses. Carried.

37. There being no further business to come before the Board of Managers, a motion was made by Manager Spaeth and seconded by Manager Vipond to adjourn the meeting. Carried. Chairman Seykora adjourned the meeting at 12:50 p.m.

  
Don Vellenga, Secretary

**Wild Rice Watershed District  
Billings for Approval 6/11/08**

AmeriPride	Rug Rental	46.41
Angstrom Analytical	Asbestos Abatement	950.00
ARC Lanes	Managers Lunch	18.90
Becker Co. Auditor	Land Taxes & Proj #4 Costs	664.00
Cardmember Services	Credit Card Purchases	807.21
City of Ada	Utilities	333.58
D & J Excavating	Farm Ring Dikes	10,818.00
Geneysis Conferencing	Teleconference	156.00
Gordon Construction	J.D. #53, Lat #1	8,660.00
Houston Engineering	Engineering Services	13,650.63
James Wagner, Sr.	Beaver Control	2,463.80
Jon Schauer	Technical Support Quick Books	412.50
Kelly's Chrysler	Van Rental	62.48
Laughing Earth	Flower Pots	143.73
Loretel Systems	Utilities	338.60
Marco Inc.	Copier Agreement	308.85
Marcussen Accounting Services	General Accounting Services	572.00
MAWD	Managers & Staff	570.00
MN Energy Res.Corp	Utilities	25.26
North Star Water	Bottled Water	53.55
Office Supplies Plus	Office Supplies	844.95
Ralphs Food Supply	Lunch Supplies	66.78
Renae Kappes	Cleaning District Office	100.00
Subway	Managers Lunch	76.18
The Springboard Group	Consulting Services	2,500.00
Tim Halle	Publications	618.00
Trnka Real Estate & Appraisal	Appraisal	339.00
USGS	Sediment Study	10,000.00
Wambach & Hanson	Legal Counsel	2,673.79
	<b>TOTAL</b>	<b><u>58,274.20</u></b>