

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

REGULAR MEETING
October 8, 2014
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, October 8, 2014. Managers in attendance included: Greg Holmvik, Duane Erickson, Dean Spaeth, Mike Christensen, Curt Johannsen, and Raymond Hanson. Manager John Austinson was absent. In addition the following persons were in attendance: Administrator Kevin Ruud, Engineer Jerry Bents, Attorney Elroy Hanson, Tara Jensen, and various other interested taxpayers and landowners.
2. Chairman Holmvik called the meeting to order at 8:30 a.m.
3. Agenda Approval. A motion was made by Manager Christensen and seconded by Manager Spaeth to approve the agenda with the following items being removed from the agenda and tabled until the November Regular Board Meeting. Carried:
 - Rules Update
 - AED Purchase
4. Approval of Billings. A motion was made by Manager Spaeth and seconded by Manager Johannsen to approve the payment of billings as presented, with the addition of bills from Tammy Erickson and Jet Way Services. Carried. Manager Johannsen asked what the bill from Olsen Construction for snow removal was. Administrator Ruud replied that the agreement to pay for snow removal in Atlanta Township was made prior to the Board deciding to eliminate the practice.
5. Financial Report. A motion was made by Manager Johannsen and seconded by Manager Hanson to approve the monthly financial report and the quarterly financial report dated September 30, 2014. Carried.
6. Congressman Collin Peterson. Congressman Peterson stated that he was currently trying to meet with Watershed Districts in his district to talk about current programs, projects, and permitting concerns. He began by summarizing the recent allocations that were made through the recent Farm Bill. He asked the Board if there are any projects that are currently being viewed. Administrator Ruud gave an update regarding the Green Meadow Project site and the Lower Wild Rice channel restoration, summarizing the projects, funding opportunities, permitting process, and potential size of each project. Congressman Peterson advised the Board to make sure that any land that needs to have an easement program on it would need to be entered into the easement prior to acquisition. Administrator Ruud added that a potential conflict is that the Lessard Sams Outdoor Heritage Council will not fund acquisition of land that has an easement on it. Sharon Josephson stated that it would be important to find flexibility within the funding sources used. Congressman Peterson added that finding a way to use CRP payments as a guarantee to help with the funding process would be a good idea and advised that the Board seek legal advice on how to correctly do this.

In continuing on the discussion of the Lower Wild Rice channel restoration, Congressman Peterson stated that there is now the ability to purchase an easement to store water on land and still allow the owner to farm the land at their own risk. It was determined through communication between Administrator Ruud and Congressman

Peterson that having a meeting with NRCS staff to determine what can and what cannot be done. Inconsistencies are being found depending on the level spoken to. Local staff might not be aware of everything that can be done due to changes in the programs. Congressman Peterson offered to have Don Baloun meet with local NRCS staff and Watershed representatives to bring everyone to the same page. Engineer Bents added that getting clarification on WRE payment would be helpful as well. It is unclear whether actual appraisals or geographical rates should be used. Administrator Ruud thanked Congressman Peterson for the offer of help and noted that he would contact him if they need assistance with the matter in the future.

Congressman Peterson asked if there was any further discussion regarding the Borup site. Administrator Ruud stated that the South Branch has been studied from top to bottom with several sites being determined. None have been removed from the table, rather put on the back burner. Manager Erickson added that there has been recent change of hand in the proximity of the Borup site. Congressman Peterson felt that the ability to use land for farming under the new easement could be a great asset to sites such as this one.

Manager Erickson continued that the Goose Prairie Enhancement Project is currently being looked at by the Project Team, adding that the process is a slow and painful one. He asked if it would be better to look at retention on land that is already owned by State and Federal agencies. Ryan Frohling, USFWS, stated that retention can possibly help habitats, however there is not nearly enough capacity on property that is owned by agencies. He added that while the Project Team process is slow it serves an important role in getting all of the agencies involved together, reaching an end result in the easiest possible manner. Josephson reminded Manager Erickson that sometimes little steps are best.

Administrator Ruud commented that he did have another question, this one regarding buyout properties located within the District. He stated that currently the District owns several parcels of land that hold restrictive covenants that would follow the land. It would be ideal to have the ability to sell the land, returning it to the public tax roles. Congressman Peterson stated that while it is a good idea, it is difficult at times to reach the proper areas of FEMA now that it is part of HSEM.

Congressman Peterson added that he would like to hear comments regarding the original FM Diversion and whether the Board felt as if it was looked at closely. Manager Johannsen left the table to speak as the Mayor of Hendrum. Mayor Johannsen stated that the original diversion would impact downstream communities with anywhere from an additional six inches to a foot of water. Congressman Peterson stated that he was informed by the USACOE that the impact would be around one inch of additional water. Mayor Johannsen stated that he felt that other scenarios could be looked at to protect the City of Fargo without causing severe impacts downstream. He added that the impacts would be significant all the way to the Canadian Border. Chairman Holmvik added that the diversion should not only be able protecting the City, but also the farmers who are affected. Mayor Johannsen added that the Diversion Authority Board should have equal representation to better address concerns from surrounding communities. Manager Johannsen returned to the Board table.

Engineer Bents updated Congressman Peterson regarding the community levee projects in Halstad, Hendrum, and Perley. He stated that the district has approached FEMA for HMGP funding to assist with the road raises in each of the communities to complete the levees and protect the communities for a 100 year flood event without the need for emergency road closures.

Manager Erickson commented that the Board is in opposition of the EPA and USACOE Proposed Rule on Waters in the United States. Congressman Peterson stated that comment period has been extended, adding he believes that the Proposed Rule will be voted down when and if the time comes.

PERMIT APPLICATIONS

7. David and Daniel Steffl, Section 23, Walworth Twp. Ryan Frohling, adjacent property owner from USFWS, was in attendance. He stated that he would like clarification regarding the installation of the drain tile. Frohling stated that two USFWS representatives visited the site and could not determine where the tile was installed as the ground had been worked up eliminating any scars created. Engineer Bents recommended tabling the Permit application requesting a detailed tile plan from the applicant. Chairman Holmvik asked if the applicant was in violation of Watershed Rules by installing the tile prior to obtaining a permit. Engineer Bents stated that he is viewing the application as if it was received prior to installation. The major concern from a Watershed standpoint would be the distance from property lines. He added that we are not eliminating the option to enforce removal if the request is not met. A motion was made by Manager Erickson and seconded by Manager Hanson to table Permit #10-8-14-12 to install subsurface drain tile pending applicant provide a detailed tile plan of the installed locations showing dimensions of the tile from the USFWS property lines. Carried.

8. Frohling stated that he met with Erickson and the two parties worked out an agreement regarding Permit #10-8-14-3, installation of drain tile.

9. A motion was made by Manager Johannsen and seconded by Manager Hanson to approve the following permits with conditions as stated. Administrator Ruud added that the tile installation for Permit #10-8-14-13 has already been completed. Carried.

- Stuart Christian and Kevin Leiser, Section 1, Liberty Twp. Permit #10-8-14-1 to relocate a 48" centerline culvert to the property line with the condition that the applicant gain approval from the MN DNR for any work within protected waters.
- Bryan Jacobson, Section 17, Good Hope Twp. Permit #10-8-14-6 to lower a side inlet pipe to grade with the condition that the outlet is installed above (however not more than two feet above) the elevation of the original design gradeline of the receiving ditch and the condition that the ditchbanks and or levees are restored to the preproject geometry and the condition that the applicant is responsible for adequate erosion control measures at the outlet. This could include the installation of riprap or other protection measures as necessary.
- Mark Habedank, Section 21, Home Lake Twp. Permit #10-8-14-7 to install a field crossing with a 36" diameter pipe and a 24" diameter pipe.
- Randy Hanson, Section 15, Anthony Twp. Permit #10-8-14-8 to extend a 24" culvert and widen a field approach.
- David and Daniel Steffl, Section 35, Walworth Twp. Permit #10-8-14-13 to install subsurface drain tile with standard tile conditions.
- Tim Weber, Section 14, Mary Twp. Permit #10-8-14-14 to install a new field approach and culvert with the condition that the culvert is a 30" or 36" diameter pipe.

10. Stuart Christian, Section 32, Liberty Twp. A motion was made by Manager Johannsen and seconded by Manager Christensen to deny Permit #10-8-14-2 to add a new centerline culvert due to downstream landowner concerns. Carried.

11. Darin Erickson, Section 6, Walworth Twp. A motion was made by Manager Hanson and seconded by Manager Christensen to continue tabling Permit #10-8-14-3 to install subsurface drain tile pending previously requested information from the applicant. Carried.

12. Manager Erickson left the Board table.

13. Duane Erickson, Section 25, Home Lake Twp. A motion was made by Manager Johannsen and seconded by Manager Spaeth to table Permit #10-8-14-4 to install subsurface drain tile pending field review of issues by staff with landowner in SW ¼ of Section 25 or permit is approved with standard tile conditions if the applicant provides documentation of approval from the landowner in SW1/4 of Section 25 is provided by the applicant for a two year period. Carried.

14. Duane Erickson, Section 7, Spring Creek Twp. A motion was made by Manager Christensen and seconded by Manager Johannsen to continue tabling Permit #10-8-14-5 to install a field crossing with a 42" diameter concrete pipe and a 30" diameter plastic pipe pending previously requested information from the applicant. Applicant has requested a 2 year permit approval period. Carried.

15. Manager Erickson returned to the Board table.

16. Jerry Matter, Section 31, Spring Creek Twp. A motion was made by Manager Hanson and seconded by Manager Spaeth to table Permit #10-8-14-9 to install subsurface drain tile, replace an 18" centerline culvert with a 24" culvert, block an 18" culvert, and construct a berm to notice the landowners in the NW ¼ of Section 31 of Spring Creek Twp or the permit is approved if the applicant provides approval from the landowners noticed. Carried.

17. Jerry Matter, Section 31, Spring Creek Twp; Section 36, Walworth Twp. A motion was made by Manager Christensen and seconded by Manager Spaeth to approve Permit #10-8-14-10 to install subsurface drain tile and lower an existing 18" centerline culvert with standard tile conditions. Carried.

18. MNDOT, Halstad and Shelly Twps. A motion was made by Manager Johannsen and seconded by Manager Spaeth to table Permit #10-8-14-11 for bituminous mill and overlay, storm sewer improvements to notice adjacent landowners. Carried.

19. Manager Spaeth left the Board table.

20. Dean Spaeth, Section 36, Marsh Creek Twp. Spaeth presented the Board with an amendment to a previously approved Permit. He would like to include 4" tiles. A motion was made by Manager Hanson and seconded by Manager Johannsen to approve Permit #10-8-14-15 to install additional tile lines pending review and recommendation from Staff for approval of prior approved permit with additional tile lines shown on revised submittal dated 10/8/2014. Carried

21. Manager Spaeth returned to the Board table.

22. Community Flood Control Levee Projects. Engineer Bents updated the Board regarding the projects in the following communities:

- Hendrum: The replacement of the gatewall in the northeast corner of the levee is nearing completion. A motion to approve pay request 1 from Johnson Excavating in the amount of \$73,640 was made by Manager Hanson and seconded by Manager Christensen. Motion carried with Manager Johannsen abstaining.
- Perley: Reseeding of the six acres of the levee was recently completed by HCI contracting.
- Halstad: Administrator Ruud and Engineer Bents are working on submitting an HMGP application for funding road raises. The initial response to the application was negative, but following an explanation of the project it is being considered. Engineer Bents asked Josephson for assistance from herself and Congressman Peterson to secure funding. Manager Johannsen added that the main reason for the road raise would be to eliminate flooding concern with accreditation as a secondary concern. Josephson

asked Engineer Bents to let her know the contact information of the person at FEMA to ensure that they are speaking to the same person.

23. Lower Wild Rice. Administrator Ruud stated that initial reports show that the District is in the running for approximately 2.27 million dollars of funding by the Lessard Sams Outdoor Heritage Council. The funding approval needs to go through the legislative process and would not be available until July 1, 2015, once a final determination is made.

24. Goose Prairie Marsh Enhancement. Administrator Ruud informed the Managers that the Environmental Assessment Worksheet is currently being completed by the DNR.

25. Green Meadow Project Team. Chuck Fritz, Henry Van Offelen, and Brian Dwight met with the USACOE regarding submittal of Points of Concurrence #1 & #2. Administrator Ruud reported that due to personal preference, Points of Concurrence #1 & #2 are both being resubmitted both electronically and via USPS in a new format. A response can be expected within approximately 30 days. Chairman Holmvik asked why there is such a long period for the response. Josephson stated that there has recently been a shift of staff in the permitting area causing a delay in responses. Chairman Holmvik replied he hopes that the frustrations met by the pilot project makes the process easier for future projects.

26. Rockwell Dam. Engineer Bents stated the contractor is scheduled to begin work the week of October 13th.

27. MAWD Resolution Process. Administrator Ruud informed the Managers that any resolutions that the Board desires to submit must be done at this time. Manager Johannsen asked what the current penalty for work being completed prior to a permit being obtained. Administrator Ruud replied that currently it is necessary to go through a legal process and the landowner can be required to restore the property to its original state. Attorney Hanson added that currently the USACOE would need to be involved in the process and determination. He did advise not limiting violations if the Board chooses to submit a resolution for fines. Manager Erickson stated that he does not believe that the Board should move forwards with a resolution at the current time. Manager Hanson added that the Board either needs to accept the fact that some citizens are not going to comply and try to negotiate once violations occur or they try to adopt a policy that gives authority to the Board to impose fines. Attorney Hanson stated that currently there is a procedure in place where citizens can be cited with a misdemeanor through the County Attorney's office. Josephson added that in listening to other Boards she has heard that some feel that a resolution would issue a level of certainty, letting landowners know what penalties apply if work is being done without a permit.

28. Advertise for Consultants. A motion to approve advertisement for consultants was made by Manager Spaeth and seconded by Manager Hanson. Carried.

29. Environment Minnesota Clean Water Letter. A motion to deny Board approval of the Environment Minnesota Clean Water Letter was made by Manager Johannsen and seconded by Manager Erickson. Carried.

40. Per Diems. A motion was made by Manager Spaeth and seconded by Manager Christensen to approve payment of Manager per diems and expenses as distributed. Carried.

41. Complaints. Engineer Bents distributed two complaints filed by Ralph Kraft. Kraft states that fill was placed along a property line which blocks runoff, backing water onto Kraft's property in Section 6 of Fossum Township. He also states that a buffer easement along a drainage ditch was encroached upon. A field review determined that some ditch cleaning had been completed by Scott Visser and the spoil matter had been placed at two locations near the property line, with one location having the potential of backing water on to the Kraft

property. The drainage ditch had been tilled to the channel bottom on the Kraft property and the property rented by Visser. The tillage was not determined to be a violation of District Rules. In a meeting with Administrator Ruud, Visser agreed to grade the field at one location so water could flow across the property line. He indicated that the work would be completed prior to the next Board meeting. A second complaint, in Sections 1, 2 & 11 of Wild Rice Twp claimed that a new ditch was constructed in Section 1 without a permit and a culvert was blocked by an individual shoveling gravel in front of it causing a partial block. A field review determined that there were not violations of District Rules at either of the locations cited. A motion was made by Manager Hanson and seconded by Manager Spaeth to send Mr Kraft a letter of findings regarding the complaint in Sections 1, 2 & 11 of Wild Rice Township and to table the violation in Section 6 of Fossum Township until an inspection can be completed during the next permit review. Carried.

42. Personnel Committee. A motion was made by Manager Hanson and seconded by Manager Spaeth to set the Regular November Board Meeting to Wednesday, November 19, also scheduling a meeting of the Personnel committee immediately following the Regular Board Meeting on this date. Carried.

43. MAWD. A motion was made by Manager Johannsen and seconded by Manager Spaeth approving Managers and District staff to attend the annual MAWD convention in December. Carried.

44. There being no further business to come before the Board of Managers, a motion was made by Manager Hanson and seconded by Manager Erickson to adjourn the meeting. Carried. Chairman Holmvik adjourned the meeting at 10:29 am.

John Austinson, Secretary

Date	Num	Name	Memo	Paid Amount
09/23/2014		QuickBooks Payroll Service	Fee for 3 direct deposit(s) at \$1.60 each	5,365.46
10/07/2014		QuickBooks Payroll Service	Fee for 3 direct deposit(s) at \$1.60 each	5,397.55
09/23/2014	ACH	PERA	Payroll Expenses	70.89
09/23/2014	ACH	PERA	Payroll Expenses	757.28
09/24/2014	ACH	AT&T	Utilites	118.69
09/25/2014	ACH	MARCO, Inc.	Copier Lease	630.36
10/01/2014	ACH	Minnesota Energy Resources Corporation	Utilites	73.00
10/03/2014	ACH	Arvig	Utilites	393.98
10/07/2014	ACH	US Treasury-Payroll	Payroll Expenses	4,121.68
10/08/2014	ACH	PERA	Payroll Expenses	30.37
10/08/2014	ACH	PERA	Payroll Expenses	60.78
10/08/2014	ACH	PERA	Payroll Expenses	121.52
10/08/2014	ACH	PERA	Payroll Expenses	807.97
10/08/2014	ACH	MN Dept of Revenue	Payroll Expenses	759.00
09/12/2014	15439	Keith Francis & Sons	Complete Roofing Project	3,225.00
10/08/2014	1447	Wesley Carlsrud	September Mowing	32,979.84
10/08/2014	15448	Jet-Way Multiple Services, Inc.	Televis storm drain line	1,053.00
10/08/2014	15449	AmeriPride	Rugs	84.80
10/08/2014	15450	FP Mailing Solutions	Postage Meter	118.63
10/08/2014	15451	HCI Commercial Landscapers	Re-Seeding Perley Levee - 6 acres @950.00	5,700.00
10/08/2014	15452	Hendrum City	Mowing - 30 hours @ \$85/hour	2,550.00
10/08/2014	15453	Houston Engineering, Inc.	September Engineering	17,803.03
10/08/2014	15454	Johnson Excavating	Gateway Repairs	73,640.20
10/08/2014	15455	McCollum Hardware, Inc.	Lights	38.41
10/08/2014	15456	Norman County Index-Ada	Permit Applications	30.46
10/08/2014	15457	Northwest Beverage, Inc.	Water	31.75
10/08/2014	15458	Office Supplies Plus	Supplies	168.53
10/08/2014	15459	Olson Construction of Lake Park, MN Inc.	Mobilization	2,860.00
10/08/2014	15460	Ralph's Food Pride	Office supplies	31.64
10/08/2014	15461	Renae Kappes	cleaning - 2 @ 60	120.00
10/08/2014	15462	Riceville Township	Culvert replacement cost share - 50% on 1st culvert, 75% on second culvert	12,237.39
10/08/2014	15463	Sorenson Electric	Install lighting in garage	462.09
10/08/2014	15464	Tammy Erickson	Office Mowing	180.00
10/08/2014	15465	Tony Sip	October Mowing	18,445.00
10/08/2014	15466	Wambach & Hanson	October Legal	693.90
10/08/2014	15467	Curt Johannsen	Managers Per Diems	83.39
10/08/2014	15468	Dean P Spaeth	Managers Per Diems	105.42
10/08/2014	15469	Duane L Erickson	Managers Per Diems	98.47
10/08/2014	15470	Gregory R Holmvik	Managers Per Diems	69.26
10/08/2014	15471	Michael K Christensen	Managers Per Diems	92.82
10/08/2014	15472	Raymond M Hanson	Managers Per Diems	89.60
TOTAL				191,701.16