

WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East

Ada, MN 56510

Ph: 218-784-5501

REGULAR MEETING

February 13, 2013

APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on **Wednesday, February 13, 2013**. Managers in attendance included Greg Holmvik, Duane Erickson, Curt Johannsen, Mike Christensen, John Austinson, Raymond Hanson and Dean Spaeth. Absent: None. In addition the following persons were in attendance: Administrator Kevin Ruud, Loretta Johnson, Engineer Jerry 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 Spaeth and seconded by Manager Hanson to approve the agenda with the addition of Norman County Commissioners, Goose Prairie Marsh and Administrator Views. Carried.
4. Approval of Billings. A motion was made by Manager Spaeth and seconded by Manager Christensen to approve payment of billings as presented. Carried.
5. Meeting Minutes. A motion was made by Manager Christensen and seconded by Manager Johannsen to approve the January 9, 2013, meetings with the change Page #6, Paragraph #19, line #6 date to February 13, 2013. Carried.
6. Financial Report. The financial report dated January 31, 2013, was presented to the Board for review. No action was taken.
7. Open Microphone. No one was in the audience for the open microphone.
8. Project #13, Olson Agassiz. Engineer Bents presented the Engineer's Report for the catwalk structure to be built, in Section 21 of Spring Creek Township on Olson Agassiz. This will provide safety for the person responsible for opening and closing the gate.
9. City of Shelly Reconvened Hearing, 9:00 a.m. Chairman Holmvik reconvened the hearing for the City of Shelly Flood Control Project. No attendees were in the audience and Administrator Ruud reported that he was holding a check in the amount of \$5,000 from the City of Shelly for their cost share. A motion was made by Manager Hanson and seconded by Manager Erickson to order the dismissal of the Shelly Flood Control Project, per the request by the City Council of Shelly. Carried.

**STATE OF MINNESOTA
WILD RICE WATERSHED DISTRICT**

In the Matter of Project #45
Shelly Community Flood Control Levee
Flood Control Levee

**Order of the Board of Managers
RE: Project #45**

FINDINGS OF FACT

1. The City of Shelly filed a Project Petition with the Wild Rice Watershed District Board of Managers regarding Project #45 Shelly Community Flood Control Levee (Project #45) dated March 1, 2010.

2. Pursuant to Minnesota Statutes §103D.705, the Managers held a public hearing to consider the establishment of Project #45.

3. The Managers waived the bond for the City of Shelly per Minn. Stat. §103D.705, subd. 3(e).

4. The Managers provided notice as required by law of the time and place of the final hearing regarding the establishment of Project #45.

5. The Managers held the final hearing regarding Project #45 on December 13, 2012, at 7:00 p.m. at the Shelly Community Center in the City of Shelly, Minnesota.

6. At the final hearing, the Managers: heard all interested parties regarding proposed Project #45; considered and confirmed the Engineer's Report; considered comments by the engineer at the hearing; reviewed and confirmed the appraiser's findings and report; reviewed costs of the proposed Project #45; and considered a request by the city council to dismiss the Project.

7. The Managers inquired of the city council whether the decision to dismiss had been formally passed and a majority of the city council members in attendance at the final hearing stated they no longer supported the petition and desired to dismiss it.

8. The Managers recessed the final hearing to afford the city council, as the petitioner, an opportunity to formally decide whether they wanted to dismiss and scheduled the recessed final hearing to re-convene on January 9, 2013.

9. On January 9, 2013, the final hearing was reconvened at the Wild Rice Watershed District office in Ada, Minnesota, and the city council for the City of Shelly, as the petitioner, elected to dismiss the petition.

10. The Managers advised the City of Shelly that it should reconsider its decision and advised that if any alternate design of the proposed Project #45 would result in the council supporting the project that the WRWD would explore whether any such desired alternative designs were feasible, but the petitioner remained steadfast on its decision to dismiss.

11. The Managers advised the petitioner that any dismissal of the petition requires that petitioner pay the stipulated sum of \$5,000.00 for costs and disbursements per paragraph 11 of the petition. The petitioner advised it did not have a check for payment that day, but would make such payment promptly. Accordingly, the board recessed the final hearing until February 13, 2013, with the understanding that the petition be dismissed upon payment of the \$5,000.00.

12. On February 13, 2013, the final hearing was re-convened. The district's administrator, Kevin Ruud, advised the board that the City of Shelly desired to dismiss the petition and had paid the required \$5,000.00 for costs and disbursements.

Based on the above Findings, the Board of Managers make the following Conclusions:

1. That the petitioner has a right to dismiss the petition for the establishment of Project #45 upon payment of the agreed upon \$5,000.00 for costs and disbursements.

2. The petitioner has paid the \$5,000.00 and continues to desire to dismiss the petition.

Based on the above Findings and Conclusions, the Wild Rice Watershed District Board of Managers hereby Orders the dismissal of the petition for the establishment of Project #45.

Dated: _____

WILD RICE WATERSHED DISTRICT

By: 
Greg Holmvik, Its Chairman

10. Community Flood Control Projects. Engineer Bents reported that they have submitted a funding request for the City of Halstad, to the State of Minnesota for funding assistance in the effort to obtain FEMA certification for their levee. Administrator Ruud stated that the last community to request assistance was the City of Felton, but to date there had been no funding. Ruud sent a letter to the Mayor of Felton asking them to confirm their request, if they were still interested.

11. Project #5, Norman Polk, Repair Section 1, Shelly Township. Engineer Bents distributed the Engineer's Report for the Outlet Repair, and stated that the cost of the work would be between \$20K and \$25K.

12. Goose Prairie Marsh Project. Manager Erickson discussed the Goose Prairie Marsh Project that he has proposed as a small flood control project, with minimal costs. Erickson stated that he would not talk to landowners in an effort to have them petition for the project and then have a ditch assessment. Erickson stated that he is not in favor of levying the entire ditch system for this project. When asked what the benefit for the project was, Manager Austinson stated that it was his thought it would benefit road protection in that area. Engineer Bents stated that the project area is within the Clay County Ditch #18 system, and the big hurdle will be wetland issues. Erickson stated that the board would need to have some courage to go up against the agencies. Bents stated that we would need to compromise. This will be discussed at the upcoming Project Team meeting on February 27, 2013.

13. Administrative Views. Manager Erickson discussed the fact that he felt Administrator Ruud should provide more of his views and visions of the District. Manager Hanson stated that Ruud is doing that now, but beyond that, the Board is supposed to be the board. Managers Spaeth and Johannsen both felt that Administrator Ruud is doing a good job now.

14. Managers Compensation. Administrator Ruud requested that the Board decide what compensation for meetings is going to be established. Attorney Hanson stated that compensation cannot exceed \$75 in a day. A motion was made by Manager Spaeth and seconded by Manager Johannsen authorizing all meetings held and called for at the District office pay compensation in the amount of \$75 plus mileage. Carried with Manager Erickson opposed.

15. Meetings/Conferences. Manager Erickson felt that the board should reach out to the Norman County Commissioners to give a hand to them. Consensus of the Board was the Managers appointed from Norman County attend the next county board meeting. A motion was made by Manager Christensen and seconded by Manager Johannsen authorizing Managers and Staff attendance at the Red River Watershed Management Board Conference scheduled for March 26-27, at the Courtyard by Marriott, Moorhead. Carried. A motion was made by Manager Hanson and seconded by Manager Christensen authorizing Managers and Staff attendance at the MAWD Legislative Reception and Day at the Capitol, March 13-14, St. Paul, MN. Carried.

16. Regular March Meeting Date Change. A motion was made by Manager Johannsen and seconded by Manager Austinson to change the Regular March Meeting date to March 21, 2013, due to a scheduling conflict with the MAWD Legislative Day at Capital. Carried.

PERMIT APPLICATIONS

17. MNDOT, Sections I McDonaldsville, Pleasant View and Lockhart Twps. Discussion was held regarding Permit #2-13-13-8 to do a pavement reclamation and culvert replacement on Trunk Highway #9 north of Ada. Residents within the City of Ada, had questions related to this permit and the upcoming levee improvements on the north side of the city. Joe Kroshus representing both the Norman County Implement and his farmstead north of Ada, also asked questioned relating to this permit and the road raise north of Ada. Lyle Docken, landowner several miles north of Ada requested that DOT not raise the highway going by his home, as it could cause increased flooding and breaching of his farm dike. An increased culvert would also cause flooding on downstream landowners and farm sites. After discussion, DOT engineer agreed that this could be a part of the permit application. A motion was made by Manager Hanson and seconded by Manager Spaeth to approve the permit Application with the following conditions. Approved with Manager Erickson opposed. 1) MNDOT issue a permit to the City of Ada for the road raise, culvert changes, channel work, and related work items identified in the WRWD Permit 6-27-12-1 (or as subsequently amended).

2) No changes be made to the existing culvert structure on JD No. 51 until the proposed JD No. 51 channel realignment and new culvert installation work identified in the WRWD Permit 6-27-12-1(or as subsequently amended) be installed and operational.

3) The plans be revised to ensure that no change in the grade of the road result in the stretch along the west side of the NW ¼ of Section 3 Pleasant View Township because of historic overflows during major flooding events.

18. MN DOT, Sections in Nora, Minerva Townships. Permit #2-13-13-7 to do a bituminous mill/overlay and culvert replacement on Trunk Highway #92, Clearwater Co. A motion was made by Manager Hanson and seconded by Manager Johannsen to approve the permit with the following conditions: that the applicant (MNDOT) re-install 48" RCP at Sta 283+68 or Milepost 61.983 (Mosquito Creek) due to concerns of downstream flooding expressed by Clearwater County and for other downstream flooding potential concerns. In addition, hydraulics from MNDOT do not show any potential for road overtopping at the design level of Q50. Carried.

19. 11:00 A.M., Charles Hilde, Petition to Outlet into Clay Co. Ditch #8. Administrator Ruud reported that Charles Hilde withdrew his petition to outlet into Clay Co. Ditch #8. A motion was made by Manager Austinson and seconded by Manager Hanson to approve the following order by Hilde to withdraw the petition. Carried.

Order for Dismissal of Petition to Use Clay Co. Ditch #8 as an Outlet

A regular meeting of the WRWD Board of Managers was held on February 13, 2013, at the WRWD office in Ada, MN, with the following board members present: Greg Holmvik; Ray Hanson; John Austinson; Curt Johannsen; Mike Christensen; Duane Erickson; and Dean Spaeth.

Discussion was had regarding the petition by Charles Hilde dated 12-12-12 to allow him to use Clay Co. Ditch #8 as an outlet for approximately 160 acres of his property. Specifically, the board is in receipt of an engineer's report of 1-8-13 from Jerry Bents advising of the capacity of Clay Co. Ditch #8, the proposed terms and conditions of use, the outlet fee, and the benefits to the property.

Discussion was further had that the petitioner has voluntarily decided to dismiss his petition.

NOW, THEREFORE, based on the above discussion, the WRWD Board of Managers, based on the withdrawal of the petition by the petitioner, hereby **Orders** the dismissal of said petition without prejudice to the petitioner.

Dated: February 13, 2013

By: _____
Greg Holmvik, Chairman

PERMIT APPLICATIONS

20. Clay County Highway Dept., Section 25, Georgetown Twp. A motion was made by Manager Hanson and seconded by Manager Austinson to approve Permit #2-13-13-3 to replace a bridge with a box culvert. Carried.

21. A motion was made by Manager Spaeth and seconded by Manager Hanson to approve the following permit applications with conditions as written. Carried.

- Johnson Farms, Section 5, Flowing Farms. Permit #2-13-13-4 to install subsurface drain tile. 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 USFW 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 the drainage authorities (county) for outlets into legal ditches not under the WRWD jurisdiction. 3. Approved with the condition that the applicant is responsible for adequate erosion control measures at the outlet of the tile system. This should include the installation of riprap or other protection measures at pump 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) not be operated during freezing conditions and during times of downstream flooding and that pumps and associated pipes will not be installed above ground and will not block vehicle traffic on the ROW of ditch systems. Also all disturbed areas in the ditch ROW's will be restored and reseeded to preexisting conditions.
- MNDOT, Section 13, Pembina Twp. Permit #2-13-13-6 to replace a 30" RCP with a shorter 30" RCP and aprons. Approved with the condition that the culvert is installed at the same elevation.
- Richard Oberg, Section 35, Pleasant View Twp. Permit #2-13-13-10 (should be 9) to install subsurface drain tile. 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 USFW 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 the drainage authorities (county) for outlets into legal ditches not under the WRWD jurisdiction. 3. Approved with the condition that the applicant is responsible for adequate erosion control measures at the outlet of the tile system. This should include the installation of riprap or other protection measures at pump 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) not be operated during freezing conditions and during times of downstream flooding and that pumps and associated pipes will not be installed above ground and will not block vehicle traffic on the ROW of ditch systems. Also all disturbed areas in the ditch ROW's will be restored and reseeded to preexisting conditions.

22. A motion was made by Manager Hanson and seconded by Manager Johannsen authorizing the following permit applications be returned to applicants. Carried.

- Brad Arends, Section 22, Mary Twp. Permit to install subsurface drain tile.
- Bob Brandt, Sections 23, 24, 26, McDonaldsville Twp. Permit to install subsurface drain tile.
- Bryan Klabunde, Sections 2, Popple Grove and Sections 34, 35, Pembina Twp. Permit to install subsurface drain tile.

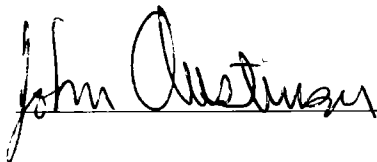
23. Approval of Managers Per Diems and Expenses. A motion was made by Manager Spaeth and seconded by Manager Johannsen to approve Manager per diems and expenses as distributed. Carried.

24. Manager Hanson and Attorney Hanson left the meeting at 11:20 a.m.

25. David Larson, Section 21, 22, Atlanta Twp. A motion was made by Manager Spaeth and seconded by Manager Erickson to approve Permit #2-13-13-13 to clean snow out of Proj #29, to prevent spring flooding. Carried.

26. International Water Institute (IWI) Project Planning Tool. Henry Van Offelen and Chuck Fritz presented their project planning tool, which will be used to simplify the process of finding areas in watershed districts that are best suited for holding areas and flood planning protection projects. This digitized program provides the ability to digitally illustrate areas best fit for storage projects. Engineer Bents stated that the RRWMB is providing funds to each tributary along the Red River to use this storage tool.

27. There being no further business to come before the Board of Managers a motion was made by Manager Spaeth and seconded by Manager Christensen to adjourn the meeting. Carried. Chairman Holmvik adjourned the meeting at 12:35 p.m.



John Austinson, Secretary

Date	Num	Name	Memo	Amount
Jan 10 - Feb 13, 13				
01/14/2013	14617	Cardmember Service	Video Equipment for Office	1,261.10
01/14/2013	14712	Wambach & Hanson Trust Account	Thody Closing	162,666.00
01/15/2013	DD	QuickBooks Payroll Service	Created by Payroll Service on 01/14/2013	5,332.67
01/16/2013	DD	PERA	Mgrs PERA	59.42
01/16/2013	DD	IRS Internal Rev Service	Fed Withholding	3,488.09
01/16/2013	DD	MN Dept of Revenue	MN 4th Quarter Withholding	846.00
01/16/2013	DD	PERA	Staff PERA	583.68
01/16/2013	DD	Frandsen Bank	Check Blanks	163.63
01/29/2013	DD	QuickBooks Payroll Service	Created by Payroll Service on 01/28/2013	5,224.05
01/29/2013	DD	PERA	PERA	583.64
02/06/2013	DD	MN Dept of Revenue	1st Quarter 2013 Withholding	1,275.00
02/06/2013	DD	US Treasury-Payroll	Federal Withholding	2,646.00
02/12/2013	DD	PERA	PERA	583.68
02/12/2013	14701	Ada City	Utilities	316.31
02/12/2013	14713	AmeriPride	Office Supplies	70.37
02/12/2013	14714	Arvig	Utilities	72.52
02/12/2013	14715	AT&T	Utilities	102.77
02/12/2013	14716	Cardmember Service	Lodging & postage	246.41
02/12/2013	14717	Houston Engineering, Inc	Engineer Fees	30,609.59
02/12/2013	14718	Jon Schauer	Technical Support	1,403.46
02/12/2013	14719	Loretel Systems	Utilities	275.62
02/12/2013	14720	Mahnomen Soil & Water Cons District	Envirothon	100.00
02/12/2013	14721	MARCO, Inc.	Office Equip	614.53
02/12/2013	14722	Marjo Vik*	Annual Report 2012	1,600.00
02/12/2013	14723	MAWD	MAWD Dues	3,458.57
02/12/2013	14724	McCollum Hardware, Inc.	Office Supplies	36.21
02/12/2013	14725	Minnesota Energy Resources Corporation	Utilities	157.23
02/12/2013	14726	Minnesota Labor Law Poster Service	Labor Law Poster	67.25
02/12/2013	14727	Minnesota Viewers Association	Viewers Asc	125.00
02/12/2013	14728	Morris Electronics, Inc.	Technical Support	1,746.95
02/12/2013	14729	Norman County Abstract	Hess Abstract	539.25
02/12/2013	14730	Norman County Implement	Supplies	25.69
02/12/2013	14731	Norman County SWCD	Envirothon	100.00
02/12/2013	14732	Northwest Beverage, Inc.	Office Supplies	36.50
02/12/2013	14733	Office Supplies Plus	Office Supplies	601.03
02/12/2013	14734	Ralph's Food Pride	Supplies	93.86
02/12/2013	14735	Raymond Arneson Family Trust	Permanent & Temp Easement	22,932.80
02/12/2013	14736	Red River Watershed Management Board	1/2 Cost Share	20,695.07
02/12/2013	14737	Renae Kappes	Cleaning	180.00
02/12/2013	14738	Royce H. Arneson	Temp & Perm Easement	14,218.00
02/12/2013	14739	Thomson West	Subscription Dues	39.54
02/12/2013	14740	Twin Valley Times	Subscription	30.00

Date	Num	Name	Memo	Amount
Jan 10 - Feb 13, 13				
02/12/2013	14741	Wambach & Hanson	Legal Fees	2,019.05
02/12/2013	14742	Wambach & Hanson Trust Account	Hess 2012 Acq	138,406.00
02/13/2013	14744	Curt Johannsen	Mgrs per diems & exp	478.81
02/13/2013	14745	Dean P Spaeth	Mgrs per diems & exp	126.16
02/13/2013	14746	Duane L Erickson	Mgrs per diems & exp	395.24
02/13/2013	14747	Gregory R Holmvik	Mgrs per diems & exp	337.02
02/13/2013	14748	John D Austinson	Mgrs per diems & exp	178.53
02/13/2013	14749	Michael K Christensen	Mgrs per diems & exp	157.40
02/13/2013	14750	Raymond M Hanson	Mgrs per diems & exp	<u>89.60</u>
Total				<u>427,395.30</u>