

WILD RICE WATERSHED DISTRICT

11 Fifth Avenue East

Ada, MN 56510

Ph: 218-784-5501

REGULAR MEETING

May 9, 2012

APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, May 9, 2012. Managers in attendance included Greg Holmvik, Duane Erickson, Raymond Hanson, John Austinson, Mike Christensen, Dean Spaeth and Curt Johannsen. Absent: None. In addition the following persons were in attendance: Administrator Kevin Ruud, Loretta Johnson, Engineer Jerry Bents, Attorney Hanson 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 committee appointments, J.D. #51, policies and Benefit/Cost (BC) Ratio for projects. Carried.
4. Approval of Billings. A motion was made by Manager Austinson and seconded by Manager Christensen to approve the bills as distributed. Carried.
5. Meeting Minutes. A motion was made by Manager Hanson and seconded by Manager Spaeth to approve the Regular Meeting Minutes dated April 11, Regular Meeting, April 19, City of Ada Hearing and April 25, Hendrum Hearing. Carried.
6. Draft Financial Report. A draft financial report dated April 30, 2012, was distributed to Board members for review. Financial Reports for Board action will be provided to the Board upon completion of the District's audit, which is expected soon.
7. Election of Officers. Chairman Holmvik turned the meeting over to Vice Chairman Christensen. Vice Chairman Christensen called for nominations for Chairman. Manager Austinson nominated Greg Holmvik and was seconded by Manager Hanson. Manager Johannsen asked that nominations cease. Prior to voting discussion was held. Manager Erickson stated that he would like to see rotation of officers to which Manager Hanson stated that he felt Holmvik was doing a good job and didn't see any need for a change. Christensen called for a vote and the voted was passed unanimously. Carried. Chairman Holmvik resumed the meeting as Chair and called for nominations for Vice Chairman. Manager Spaeth nominated Mike Christensen as Vice Chairman. There being no further nominations, Manager Johannsen seconded the motion and Mike Christensen was elected Vice Chairman. Carried. Manager Erickson nominated John Austinson as Secretary. There being no further nominations, Manager Hanson seconded the motion and John Austinson was elected Secretary. Carried. Manager Erickson nominated Dean Spaeth as Treasurer. There being no further nominations, Manager Austinson seconded the motion and Dean Spaeth was elected Treasurer. Carried.
8. Committee Appointments. Appointment to committees was discussed. Administrator Ruud brought forth recommendations and a motion was made by Manager Spaeth and seconded by Manager Austinson to appoint the following Managers to committees. Carried.

COMMITTEES

FINANCE

Greg Holmvik
Dean Spaeth
Mike Christensen

BONDING/LEGISLATIVE

Mike Christensen
Duane Erickson
Curt Johannsen

PERSONNEL

Greg Holmvik – Employee Liaison
Dean Spaeth
Duane Erickson

PROJECT TEAM

Mike Christensen
Curt Johannsen
Duane Erickson

RING DIKE

John Austinson
Raymond Hanson
Dean Spaeth

REPRESENTATIVES

RRWMB

Greg Holmvik
Mike Christensen (alternate)

BECKER COUNTY SWCD

Duane Erickson

CLAY COUNTY SWCD

John Austinson

NORMAN COUNTY SWCD

Mike Christensen

MAHNOMEN COUNTY SWCD

Dean Spaeth

9. Open Microphone. Curt Jacobson, member of the Citizens Advisory Committee and local area citizen, asked that the Board of Managers move forward on Upper Becker Project. He stated that there is at the least a 20% reduction needed in the Wild Rice Basin and encouraged the Board to move forward on Project A.

10. Community Levee Flood Control Projects. Engineer Bents reported that the final walk through has been performed on both Hendrum and Perley and the projects are approximately 98% completed. A list of small items are left to complete. Staff and members of the communities of Hendrum and Perley are working on possible road raises in the hope of getting the dikes FEMA certified in the future. Regarding the proposed Shelly levee, in principal, agreements have been reached with everyone around the city. The bonding bill passed but it is not known if due to the reduction there are funds dedicated for Shelly. Bents recommended that the District submit a request to the State of MN for enough dollars from this bonding bill for land acquisition. A motion was made by Manager Hanson and seconded by Manager Johannsen to approve the following resolution and authorizing Chairman Holmvik to execute the resolution and also for Engineer Bents to prepare and submit a request to the State of MN for funding for Shelly. Carried.

Local Government Resolution

BE IT RESOLVED that the Wild Rice Watershed, hereinafter referred to as the "Applicant" acts as legal sponsor
(Applicant)

For the project contained in the

Flood Damage Reduction Grant Assistance Program Application to be submitted on _____ and
(Date)

That Chairman Greg Holmvik is hereby authorized to apply for the Department of Natural Resources for funding of this project on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate acquisition, maintenance and protection of the proposed project.

BE IT FURTHER RESOLVED that the Applicant has not incurred any costs, and has not entered into any written agreements to purchase property proposed by this project.

BE IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its Application by the state, the Applicant may enter into an agreement with the State of Minnesota for the above-referenced project, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW, THEREFORE BE IT RESOLVED that Chairman Greg Holmvik is hereby authorized to execute such
(Title of Authorized Official)

Agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the Board of Managers of the
(City Council, County Board, etc.)

Wild Rice Watershed District on May 9, 2012.
(Applicant) (Date)

SIGNED:

(Signature)

(Title)

(Date)

WITNESSED:

(Signature)

(Title)

(Date)

11. J.D. #53, Lat. #1 Bridge Replacement. Engineer Bents reported that the contract for the bridge replacement has been awarded and Administrator Ruud and Attorney Hanson have been working with adjacent landowners in obtaining an easement, which is executed and will reduce the costs of having to move the power lines.

12. Project #30 FEMA Repair. The appeal submitted to FEMA by the District for a time extension of the project was approved. Zavoral Construction is began work on Monday.

13. Appeals. Lowell Johnson met with Managers at 9:00 a.m. to submit an appeal to the decision made by the Board which denied his Permit Application to install a flap gate on a culvert in Section 24 of Pleasant View Township. The permit was denied due to the fact that engineering determined that there is potential that the trap could cause damages upon two property owners north of the trap. Attorney Hanson stated that Johnson could appeal the decision to District Court and seek a declaratory judgment in the court system or have the two landowners to the north sign off on the permit. A motion was made by Manager Hanson and seconded by Manager Johannsen authorizing the Board of Managers to grant Lowell Johnson an appeal hearing before the Board at the June 13, 2012, regular meeting. Landowners will be invited to attend the hearing. Carried.

14. WRP/RIM – Dave Jones, NRCS Thief River Falls, MN. Dave Jones from the NRCS office in Thief River Falls, met with Managers to discuss two potential projects that could be incorporated into the Red River Flood Storage Initiative using funds from RIM/WRP programs. Two landowners within the Wild Rice Watershed currently have an existing restoration plan in place, although LIDAR indicates that it drains into the Buffalo/Red WD. If the Board determines interest in co-funding this possible project, the RIM/WRP would pay for the land and the next thing would be for Jones/NRCS to contact the landowners to determine their interest in the project. Consensus of the Managers was for Administrator Ruud to work with Jones and the NRCS to determine the next step.

PERMIT APPLICATIONS

15. Gerald Chisholm, Section 25, Green Meadow Township. Managers discussed the Permit Application by Chisholm to install culverts in a Texas Crossing where he previously removed the rock and a violation was declared by the Board. After a mailing notice to local landowners several expressed concerns about the impacts to their property and home as a result of this action by Chisholm and objected to the permit. A motion was made by Manager Austinson and seconded by Manager Spaeth to deny Permit #5-9-12-9 to install culverts in a Texas Crossing do to impact to other landowners. Carried.

16. Chisholm Violation, Section 25, Green Meadow Township. A motion was made by Manager Hanson and seconded by Manager Johannsen to notify Gerald Chisholm that he must restore the Texas Crossing in Section 25, Green Meadow to its original condition including laying down the rock bed that was removed. The restoration must be completed by June 8, 2012, or the District will hire a contractor to do the work and bill Chisholm. Carried.

17. Rick Manke, Jim Wagner, Jim Litsch, Section 22, Green Meadow Township. A motion was made by Manager Spaeth and seconded by Manager Hanson to table Permit #5-9-12-18, to construct a wetland restoration and wildlife ponds, and notice area landowners. Carried.

18. Upper Becker Dam, Project D, Appeal. Administrator Ruud reported that the City of Hendrum filed an appeal on the Board's vote on March 21, 2012, to cease and desist any work or progress on Project D of the Upper Dam. The appeal is based on the fact that the Board of Water and Soil Resource (BWSR) states and has notified Mahnomen County, that under their rules, Manager Hanson, appointed by the Mahnomen County Board, is an ineligible appointee, as he lives in Norman County. The Mahnomen County Commissioners have not made a decision on their recourse of action at this time. Therefore the appeal by Hendrum is in a holding pattern until a decision is heard from BWSR and Mahnomen County. Manager Erickson asked Manager Johannsen if he didn't have a conflict of interest in voting, as he is Mayor of Hendrum. Johannsen stated that the District Board needs a unified effort, but he understands that Manager Austinson rents land very close to the project and asked if he had a conflict of interest. Austinson stated that he doesn't own the land but rents it. Johannsen stated that Austinson has a vested interest.

19. Appeal Process. Administrator Ruud asked that the Appeal Process for permits and other decisions made by clarified for staff by the Attorney and the Board. Ruud stated that it was his understanding that a private person has 30 days to appeal a decision to the Board. Attorney Hanson said that could be interpreted as so, and then the individual could follow with an appeal to District Court if he wanted.

20. Project #4, Upper Becker Dam. Administrator Ruud reported that Tom Bergren has taken his request for payment by the Watershed District, to Small Claims Court, May 24, 2012. Bergren claims damages to his hay bales, which were on the easement area of the project, when a beaver dam was removed. The claim was denied when submitted to the insurance company and the board also denied payment due to the bales being on the easement area of the project.

PERMIT APPLICATIONS

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

- Charles Borgen, Section 15, Hegne Twp. Permit #5-9-12-5 to install subsurface drain tile with the following recommendations and 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 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. Carried.
- Charles Borgen, Section 26, Hegne Twp. Permit #5-9-12-6 to install subsurface drain tile with standard recommendations and conditions listed in #5-9-12-5.
- Charles Borgen, Section 14, Viding Twp. Permit #5-9-12-7 to install subsurface drain tile with the standard recommendations and conditions listed in #5-9-12-5.
- Charles Borgen, Section 24, Georgetown Twp. Permit #5-9-12-8 to install subsurface drain tile with the standard recommendations and conditions listed in #5-9-12-5.
- Chad Geray, Sections 35, 36, Chief Township. Permit #5-9-12-12 to install two water and sediment basins.

- Chad Geray, Section 1, Rosedale Township. Permit #5-9-12-13 to install five water and sediment basins.
- Mark Habedank, Section 5, Fossum Township. Permit #5-9-12-14 to install subsurface drain tile with the standard conditions and recommendations shown in #5-9-12-5.
- Dwight Iverson, Section 2, Highland Grove Twp. Permit #5-9-12-15 to install tile and fill a in a ditch with the following recommendations and conditions: 1.) Recommendation that the applicant contact and coordinate with the NRCS/SWCD/FSA offices to ensure approval/clearance regarding any potential wetland issues. 2.) 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.
- Dwight Iverson, Section 1, Highland Grove Twp. Permit #5-9-12-16 to install tile and fill in a ditch with the following recommendations and conditions: 1.) Recommendation that the applicant contact and coordinate with the NRCS/SWCD/FSA offices to ensure approval/clearance regarding any potential wetland issues. 2.) 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.
- Doug Nelson, Section 28, Pleasant View Twp. Permit #5-9-12-22 to install subsurface drain tile with the standard recommendations and conditions listed in #5-9-12-5.
- Clyde Neset, Sections 6, 7, Fossum Twp. Permit #5-9-12-23 to install a culvert under a Township road with the condition that the applicant obtains approval from the road authority.
- Wild Rice Twp. Section 32, Wild Rice Twp. Permit #5-9-12-31 to install a field approach with a 24" culvert.

22. MnDOT, Lake Grove Twp. A motion was made by Manager Hanson and seconded by Manager Erickson to amend #5-9-12-20 to raise an additional section of Hwy. #113. Carried.

23. Rick Oberg, Section 18, Lockhart Twp. A motion was made by Manager Hanson and seconded by Manager Erickson to approve #5-9-12-24 to install subsurface drain tile with the standard conditions shown in #5-9-12-5. Carried.

24. A motion was made by Manager Hanson and seconded by Manager Spaeth to table the following permit applications and wait upon further information to be provided by the applicant, notice area landowners, or wait upon other issues that may apply to the application. Carried.

- City of Ada, Sections 4, 5, 9, 10 McDonaldsville Twp. Realignment of J.D. #51.
- City of Ada, Sections 4, 5, 9, 10 McDonaldsville Twp. Construct flood control levee along J.D. #51.
- Bejou Twp., Section 13-14, Bejou Twp. Replace a 24" culvert with a 36" culvert.
- B & G Farms, Section 18, Marsh Creek Twp. Install subsurface drain tile.
- John Chisholm, Section 28, Pleasant View Twp. Install subsurface drain tile.
- Dahl Farms, Section 22, Bejou Twp. Install subsurface drain tile.
- Rick Jasken, Section 9, White Earth Twp. Construct wetland restorations and wildlife ponds.
- Mattson Bros, Sections 27-34 Atlanta Twp. Install subsurface drain tile.

- Doug Nelson, Section 29, Pleasant View Twp. Install subsurface drain tile.
- Brad Olek, Section 33, Felton Twp. Install subsurface drain tile.
- Brad Olek, Section 33, Felton Twp. Install subsurface drain tile.
- Kevin Olson, Section 25, Green Meadow Twp. Improve a drainage ditch.
- David Overboe, Clay County, Sections 28, 29, Viding Twp. Replace a bridge with a 12' x 6' box culvert.
- Mark Rothschadl, Sections 4 & 9, White Earth Twp. Construct wetland restorations and wildlife ponds.
- Mark Wiebolt, Section 22, Lake Grove Twp. Construct wetland restorations and wildlife ponds.
- Wild Rice Township, Section 32, Wild Rice Twp. Remove a driveway, install a new field approach, install a new center line culvert, install a depressed culvert.

25. Northern Improvement Dam. Harvey Dahl, met with Managers to request a culvert replacement that is damaged and which he feels is a part of the project. The district also has obtained quotes to repair the current structure of the dam from Gordon at 17,500 and Northern States at 21,150. A motion was made by Manager Hanson and seconded by Manager Erickson to award the contract to Gordon Construction. Carried. Staff will check out the issue that Dahl brought to the board.

26. Clay County Ditch #4, FEMA Repair. Engineer Bents reported that four quotes were received for the repair of CD #4, with the low quote of 48,839.40 from Gordon Construction. There are 2.65 acres of easement area that needs to be acquired and .6 acres of temporary ROW. A motion was made by Manager Hanson and seconded by Manager Christensen authorizing the bid of 48,839.40 to Gordon Construction, contingent on being able to acquire the property. Carried.

27. Project #14, Ditch #45. Engineer Bents stated that the work is complete on the repair of the project.

28. Moccasin Creek O & M Plan. Administrator Ruud presented a draft revised O & M Plan Change for board consideration.

"DRAFT REVISED O AND M PLAN CHANGE" FOR BOARD CONSIDERATION (May 9, 2012)

Existing Plan

General Operation:

During non-flooding condition the gate is to remain in the fully open position.

Spring Operation:

The current operation plan is based on the Red River of the North Gage at Halstad (USGS5064500).

- Initiate gate closure when the Red River of the North reaches flood stage (24-ft) at Halstad. Current FS = 26ft.
- Sluice gate to be closed to within 1/10 of a foot of full closure
- The gate will be fully opened after 15 days of closure to allow full evacuation of the reservoir.

Summer Operation:

No summer operation is allowed. The gate is to remain fully open during summer, fall and winter.

Proposed Plan

General Operation:

During non-flooding condition the gate is to remain in the fully open position.

Spring Operation:

- Initiate gate closure when either of these occur:
 - o USGS Gage 05062500 (Wild Rice River at Twin Valley) reaches 9.5-feet, or approximately 2,600 cfs.
 - o USGS Gage 05064000 (*Wild Rice River at Hendrum*) reaches the 17-feet, or approximately 2,790 cfs.
 - o USGS Gage 05064500 (*Red River of the North at Halstad*) reaches the flood stage of 26-feet.
- The sluice gate will be closed to within 1/10 of a foot of full closure. This will allow an opening of 1/10 by 4-feet for passage of minimal flows to maintain a base flow condition in the downstream channel.
- The gate will be opened when both the following have occurred or upon 30 days from closure to allow full evacuation of the reservoir. Said opening should occur over an approximately 4-day period (approximately 1-ft per day) to assist in preventing additional downstream erosion.
 - o USGS Gage 05064000 (*Wild Rice River at Hendrum*) recedes below the 17-feet, or approximately 2,790 cfs.
 - o USGS Gage 05064500 (*Red River of the North at Halstad*) recedes below the flood stage of 26-feet.

Summer Operation:

No summer operation is allowed. The gate is to remain fully open during summer, fall and winter. - No change at this time.

A motion was made by Manager Hanson and seconded by Manager Spaeth to recommend this back to the Project Team. Carried.

29. City of Ada, Hearing on Petition to Move J.D. #51. Manager Erickson asked the board if the decision made at the hearing had been discussed by Managers ahead of time. All Managers indicated that they had not discussed their decision prior to the meeting. There was discussion regarding the concern by an attendee that Robert's Rules of Order were not used. Attorney Hanson stated that the motion was valid as it had been made.

30. Redetermination of Benefits. Manager Hanson stated that he felt as part of the District's policy, the board should try to upgrade some of the systems by doing a redetermination to see how it goes, the cost etc. Engineer Bents stated that if the board wished he could bring information to the next meeting.


31. Project #4, Upper Becker Dams. Engineer Bents stated that there may need to be repairs to the outlet of the dam due to beaver dams and debris causing problems. Consensus was for engineering and staff to bring some estimates to the next meeting.

32. Managers Per Diems and Expenses. A motion was made by Manager Spaeth and seconded by Manager Hanson to approve Managers Per Diems and Expenses dated May 9, 2012, as distributed. Carried.

33. Meetings/Conferences/Seminars. A motion was made by Manager Christensen and seconded by Manager Spaeth authorizing Managers and staff attendance at the MAWD Summer Tour on June 21-23 at Prior Lake, MN. Carried.

34. Complaints. A motion was made by Manager Hanson and seconded by Manager Spaeth to notify John Brandt that his violation in Section 21 of Green Meadow Township is still open and he is responsible for re-vegetation. The board will not close out the violation until that is complete. Carried. Chad Geray alleged that a landowner to the west hauled dirt into a waterway in Section 1 of Rosedale Twp., Mahanomen County and is holding water up on his property. Upon investigation an obvious violation was not found except in a small area. Consensus was to allow Geray time to talk to neighboring landowner Revier before taking any action. Managers discussed the complaint by Bob Brandt that Corey Jacobson has placed a block in Section 10 of McDonaldsville Township, and requested that it be removed. Administrator Ruud stated that the drainage authority, Norman County, has been hearing this request and consensus of the board was to take no action until seeing what happens with Norman County. Allen and Diane Stangel also filed a complaint through Manager Erickson regarding water on their property. Consensus of Managers was that Manager Erickson would notify Stangels that they need to contact the MN DNR.

35. 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 12:25 p.m.


John Austinson, Secretary

Num	Date	Name	Memo	Paid Amount
14353	05/08/2012	Ada City	utilities	252.69
14361	05/08/2012	AmeriPride	Office Supplies	66.81
14362	05/08/2012	Arvig	utilities	550.00
14365	05/08/2012	AT&T	Utilities	92.90
14366	05/08/2012	Brugen Environmental	Acquisition Demolition	26,300.00
14367	05/08/2012	Cardmember Service	Postage & Envelopes	855.00
14368	05/08/2012	FP Mailing Solutions	Mailing Scale	112.22
14369	05/08/2012	Francotyp-Postalia, Inc.	Postage Meter	124.72
14370	05/08/2012	Gordon Construction	Contractor Billings	15,830.00
14371	05/08/2012	Houston Engineering, Inc.	Engineering Fees	55,187.34
14372	05/08/2012	James Wagner, Sr	Beaver Control	3,361.67
14373	05/08/2012	Jon Schauer	Quick Books Assnts	3,166.66
14374	05/08/2012	Loretel Systems	utilities	287.21
14375	05/08/2012	MARCO, Inc	Copier	641.70
14376	05/08/2012	McCollum Hardware, Inc.	Office Supplies	42.19
14377	05/08/2012	Minnesota Energy Resources Corporation	Utilities	27.55
14378	05/08/2012	Norman County Auditor/Treasurer	Beaver Control	36.00
14379	05/08/2012	Norman County Index-Ada	Supplies & Publications	222.89
14380	05/08/2012	Northwestern Power Equipment Co.	Portable gasoline pump	3,672.50
14381	05/08/2012	Office Supplies Plus	Office Supplies	372.98
14382	05/08/2012	Ralph's Food Pride	Office Supplies	65.30
14383	05/08/2012	Renae Kappes	Cleaning Up To 5/6	100.00
14384	05/08/2012	Rinke Noonan	Read Abstracts & Ada Petition Research	653.50
14385	05/08/2012	Valley Title	Abstract Updates G Read	750.00
14386	05/08/2012	Wambach & Hanson	Legal Counsel	3,429.28
14387	05/09/2012	Curt Johannsen	Per Diem & Exp	408.35
14388	05/09/2012	Dean P Spaeth	Per Diem & Exp	337.72
14389	05/09/2012	Gregory R Holmvik	Per Diem & Exp	274.16
14390	05/09/2012	John D Austinson	Per Diem & Exp	311.08
14391	05/09/2012	Michael K Christensen	Per Diem & Exp	281.48
14392	05/09/2012	Raymond M Hanson	Per Diem & Exp	270.84
4/12-5/9/12		Payroll/emp ins &	Med exp & Payroll taxes	19,445.72
Total Costs 4-12 through 5-9-2012				<u>137,530.46</u>