

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

REGULAR MEETING
March 9, 2011
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, March 9, 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, Attorney Hanson, 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 Hanson and **seconded** by Manager Ista to approve the agenda. **Carried**.
4. Approval of Billings. A **motion** was made by Manager Hanson and **seconded** by Manager Spaeth to approve payment of the billings as distributed. **Carried**.
5. Meeting Minutes. A **motion** was made by Manager Hanson and **seconded** by Manager Spaeth to approve the minutes of the February 9, 2011, as distributed. **Carried**.
6. Mowing/Spraying Bids. A **motion** was made by Manager Christensen and **seconded** by Manager Hanson authorizing staff to advertise for a three year contract for District mowing and spraying. **Carried**.
7. Open Microphone. Steve Gee, a landowner southwest of Borup, requested that some of the snow be removed from the ditch by his home this spring, prior to flooding to prevent water into his home site. Manager Holmvik stated that if a landowner was requesting this to protect his home and farmsite, the board should consider it. A **motion** was made by Manager Hanson and **seconded** by Manager Spaeth authorizing Gee approval of a permit application to do the work at his own expense. **Carried**. Administrator Ruud will assist the landowner with details.
8. Upper Becker, Project "D." Bill Bair, USCOE, joined the discussion via teleconference at 9:00 a.m. Engineer Bents reported that staff discussions brought a tentative timeline which hopefully would bring the Project Hearing to January 2012. After spring melt geotechnical would do soil borings. Manager Hanson asked what would be next. Bents stated that typically the Step I would be submitted to the RRWMB in April with a tour of the project area by the RRWMB at their May meeting. Administrator Ruud asked that delegate Holmvik ask the RRWMB to hold their May regular meeting at the District office. The following ten questions were previously submitted by Eric Zurn to the Board for review and discussion at the meeting. 1. Tom Bergren building site, will he be bought out, moved or just compensated financially?

2. Jerald's feed lot. Are his permit applications being impacted right now because of the possibility of a dam? When the DNR raises the OHM will his feed lot need new setbacks? If new setbacks are required, does the watershed have funds set aside to compensate Jerald? We are concerned about future regulations and other regulatory agencies. 3. If tile and ditches do not work properly will there be compensation? 4. Seepage issues. As the water sits for weeks at a time and soaks into the ground will there be compensation to adjacent land? How far will it soak? Who decides this? The USFWS loves to ruin farms this way. 5. Spraying. Will there be new setbacks on the distance to spray near the water? This is concerning because there are regulations right now concerning this, atrazine has this right now. There are new ones coming. When the DNR raises the OHM how far will the new setback be? How will weeds be controlled? Are there funds set aside for hand weeding? Will there be exemptions to grandfather us in? Here is the current MN law from the MN Extension website. "When using a product that contains atrazine, be sure to check the label for use restrictions. Setback requirements for an atrazine application include a minimum of 50 feet from wells and sinkholes, 6 feet from points where field runoff enters intermittent and perennial rivers and streams, 66 feet from standpipes on terraced fields if atrazine is not incorporated or if no-till is not used, and 200 feet from lakes. Some product labels contain language where a 66-foot setback is required from all standpipes, regardless if the field is terraced. Always refer to the herbicide label for specific requirements on the product you are using. The MDA website also provides helpful discussion on label language and interpretations on atrazine restriction requirements (www.mda.state.mn.us/atrazine)." 6. Hunting rites to any land sold shall stay with the property it was formally a part of. 7. Eminent Domain. Since eminent goes against the code of Farmers it cannot be invoked. None of us will agree to anything if this is an option. 8. Current dams. Why are they not being operated like the new dam until it is built? There was a request. Do we have to get permission from the DNR and COE to change the operating plan? If so, I assume this would not be a fast track item. 9. Once an agreement has been reached how long will it take to get paid? 10. Where is the apology to the landowners for villanizing us for something the board did to us? These questions were discussed at length by the Board and landowners in attendance.

Question #1 was discussed and it was noted that a Dam Breach Analysis has not been done on this site. If it was determined that there was a reduction in value, he may be compensated. Considerable discussion was held regarding #2, however it was recommended that Administrator Ruud contact Jerald Jirava in person for feedback and also request the latest updated plans for his feedlot. #3 regarding compensation for ditches and tiles not working properly stated that no significant impact is anticipated but if there are particular areas of concern an individual analysis of the potential impacts could be completed. Regarding #4 concerning seepage issues, currently the proposed permanent seeding limit is located outside of the elevation of the gated storage pool, and in many areas outside the elevation of the top of the dam. It is unlikely that seepage from a full gated pool would affect tillage operations on land more than 2-3 feet in elevation above the pool, however a flowage easement and payment will be dam on all land beneath the top of the dam elevation of 1218.0. Regarding item #5 spraying, whatever the restrictions are on the chemical we have to abide by that. Attorney Hanson stated that the District cannot compensate landowners against what may or not happen in the future.

At 10:00 a.m. the discussion changed to scheduled agenda items.

PERMIT APPLICATIONS

9. MNDOT, Sections in Felton and Flowing Township. Permit Application #3-9-11-1 to road resurface work on Highway 9, replace culverts, clean ditches, lengthen two driveway culverts. After considerable discussion and input by affected landowners a **motion** was made by Manager Spaeth and **seconded** by Manager Hanson to approve the MN DOT Permit with the condition that all culverts that are replaced will have the same waterway area and will be installed at the same elevation and that there is no final grade raise on the roadway between Sections 3 and 4 of Felton Township. **Carried.**
10. A **motion** was made by Manager Austinson and **seconded** by Manager Erickson to approve the following permit applications with the listed conditions. **Carried.**
- Twin Valley-Ulen Telephone, Section 11, Popple Grove Township. Permit Application #3-9-11-2 to directional bore under Project #27 for fiber optic cable with the condition that the cable is installed a minimum of 30" below the Project #27 channel bottom and the applicant is responsible for adequate erosion control measures during construction.
 - Twin Valley-Ulen Telephone, Section 14, Goose Prairie Township. Permit Application #3-9-11-3 to directional bore under CD #17 for fiber optic cable, with the condition that the cable is installed a minimum of 30" below the CD #18 channel bottom and the applicant is responsible for adequate erosion control measure during construction.
11. Sundal Township, Sections 15-16 Sundal Township. A **motion** was made by Manager Ista and **seconded** by Manager Hanson to table Permit Application #3-9-11-4 to replace a 30" centerline culvert with a larger 36" culvert or addition 24" culvert until a field review can be done. **Carried.**
12. CMGB Farms. Section 32, Spring Creek Township. A **motion** was made by Manager Erickson and **seconded** by Manager Ista authorizing approval of Permit Application #3-9-11-5 to install subsurface drain tile and outlet into Norman County Ditch #18 and Project #25 with the condition that only the tile on the plan is approved that outlets into Norman County Ditch #18. **Carried.**
Manager Holmvik opposed.
13. CMGB Farms. Sections 5 and 8 of Green Meadow Township. A **motion** was made by Manager Erickson and **seconded** by Manager Ista authorizing approval of Permit Application #3-9-11-6 to install subsurface drain tile and outlet into Norman County Ditch #18 and Project #30 with the exception of the tile on the plan in the SE4NE4 of Section 5. **Carried. Manager Holmvik opposed.**
14. CMGB Farms. Section 28, Spring Creek Township. A **motion** was made by Manager Ista and **seconded** by Manager Erickson authorizing approval of Permit Application #3-9-11-7 to install subsurface drain tile and outlet into the ditch with the condition that the ditch downstream between the outlet and Spring Creek is cleaned and that the applicant obtains Township approval of the project and the ditch cleaning. **Carried.**
15. CMGB Farms. Section 33, Spring Creek Township. A **motion** was made by Manager Ista and **seconded** by Manager Hanson authorizing approval of Permit Application #3-9-11-8 to install subsurface drain tile and outlet into Norman County Ditch #18 and Project #25 with the condition that the applicant is responsible for adequate erosion control measures at the outlet and a recommendation that the applicant obtains approval from the SWCD/NRCS. **Carried.**

16. Upper Becker, Project "D." Managers continued discussion on Upper Becker, moving to Item #7, which contained the use of eminent domain. Attorney Hanson indicated to the Managers that they should not give up this option as projects will never be completed. He went on to say that doesn't mean it should be the Board's first option, but they should not give up that right. George Read, a landowner and member of the audience brought up the question of a friendly eminent domain, which would give landowners two years to replace their property with a trade. Manager Hanson felt that this was a responsibility of the Board. Manager Holmvik thought the board should vote and if there is not a majority, they may not move forward. Manager Erickson made a **motion** that the board of Managers agree to not use any eminent domain for the project, including not using a friendly eminent domain. Manager Spaeth **seconded** the motion. **The motion failed for lack of a majority with Managers Erickson and Spaeth voting for the motion and Managers Hanson, Austinson, Christensen, Ista and Holmvik against.**

17. Kurpius Request for Tree Removal on Turner Property, Sec 2 – Mary Twp. Administrator Ruud discussed the request from Roger Kurpius to do tree removal on the former Turner property in Section 2 of Mary Township, which is now owned by the District due to the FEMA rural acquisition program. A **motion** was made by Manager Hanson and **seconded** by Manager Ista to leave the trees as they are. **Carried.**


16. Upper Becker, Project "D." Question #8 regarding why the current dams are not being operated like the new dam would be, was discussed. Some of the reasons include the fact that the original dams were not designed as gated impoundments and as a result additional geotechnical and hydraulic engineering evaluations would need to be completed to determine possible impacts of a gated operation with long retention times. Question #9 was how long it would take to get paid once an agreement has been reached. Administrator Ruud stated that payment would be as quickly as possible, however Attorney Hanson stated that some landowners may also want to work with their accountants in obtaining the best available option. Item #10 related to the fact that landowners felt that they deserved an apology for the way they had previously been treated by this board and administration. Board members felt that currently no special apology would be made by this board.

17. At 11:30 a.m. the board took a short break.

18. Financial Report Dated February 28, 2011. Doug Marcussen presented the Financial Report. Managers also discussed the issue of former administrator Steve Dalen drawing unemployment. Current Administrator Ruud did file a claim as directed following the February meeting. Marcussen stated that most likely if the District would be refunded due to Dalen drawing unemployment while working, the funds would come through the state. A **motion** was made by Manager Ista and **seconded** by Manager Christensen to approve the financial report as presented and authorizing staff to follow up on the appeal process with the results to be brought to the next board meeting. **Carried.** A motion was made by Manager Ista and seconded by Manager Hanson to approve the payment of Managers per diems and expenses. **Carried.**

19. Project #30 FEMA Repair. Engineer Bents explained the proposed FEMA repair in Sections 20-24 of Anthony Township and Section 19 of Pleasant View Township. A **motion** was made by Manager Spaeth and **seconded** by Manager Spaeth and seconded by Manager Hanson authorizing staff to work on determining land price and compensation and moving toward a hearing. **Carried with Manager Ista abstaining.**

20. Moccasin Creek Tile/Outlet Initiative. Manager Erickson requested assistance from Engineer Bents in doing comparison modeling with the information that has been provided by the NC SWCD. Managers questioned Erickson regarding if he was asking the District to pay for comparison modeling by using Houston Engineering. No action or decision was made.
21. Attorney Hanson and Engineer Bents left the meeting at 2:00 p.m.
22. Sorenson Electric Quote for Rewiring Office. Administrator Ruud discussed hiring an electrician to rewire the District office in an effort to change the three phase which it is currently wired for to a two phase. This would save the District approximately \$75 per month or a total of \$900 per year. A **motion** was made by Manager Ista and **seconded** by Manager Hanson authorizing staff to obtain a couple of quotes and choose what is best. **Carried**.
23. Annual Report 2009. Administrator Ruud reported that Marijo Vik has been working on the 2009 Annual Report, which is near completion. He is in the process of contacting BWSR to determine if it is necessary to include the complete financial report as distributed from the State of MN Auditors due to the easy access of this information via web sites.
24. Advisory Board. Administrator Ruud reported that an Advisory Board meeting will be scheduled in the near future. A **motion** was made by Manager Hanson and **seconded** by Manager Erickson to remove Scott Balstad and replace him with Marijo Vik. **Carried**.
25. Equipment Upgrade. Administrator Ruud reported that the District's new mail server is now up and running. Board members who would like a separate email account through the District can come by the office and he will set it up for them.
26. Special Meeting. Manager Erickson stated that he would like to hold a full board meeting to discuss tiling within the District. Consensus of Managers was for staff to take care of that.
27. 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 2:30 p.m.


John Austinson, Secretary

Date	Num	Name	Memo	Amount
Feb 10 - Mar 9, 11				
02/16/2011	13554	Curt Jacobson, Inc.	1/2 landowner refund	-132.96
02/16/2011	13555	Dave Scherfenberg	1/2 landowner refund	-132.96
02/16/2011	13557	Jeff Hoff*	Landowner Refund	-3,583.48
02/16/2011	13558	Kevin Anderson*	landowner refund	-16,017.27
02/16/2011	13559	Rick Prussia*	landowner refund	-2,879.75
02/16/2011	13560	Terry Guttomson*	Landowner Refund	-9,587.39
02/16/2011	13561	Tom Carlson	Refund Due Landowner	-1,473.12
02/23/2011	13754	Ogema VFW	Hall Rental UpBecker Landowr Mtg	-25.00
02/25/2011	13568	Ray A Bisek	Replace #13439	-1,709.45
03/08/2011	13549	Alltel	Utilities	-238.24
03/08/2011	13566	AmeriPride	Cleaning	-64.40
03/08/2011	13567	Angstrom Analytical, Inc.	Hazmat Monitoring & Removal	-8,100.00
03/08/2011	13571	Arvid L Ambuehl	River Insp/Snow Removal	-145.00
03/08/2011	13572	Cardmember Service	bill	-866.78
03/08/2011	13573	City of Ada	utility bill	-372.78
03/08/2011	13574	Genesys Conferencing	Phone Utilities	-56.51
03/08/2011	13575	Houston Engineering, Inc.	Invoices for Engineering	-20,962.54
03/08/2011	13576	Loretel Systems	Utilities	-308.55
03/08/2011	13577	MARCO, Inc.	copier	-616.89
03/08/2011	13578	MARCO, Inc. Mpls	Office Equipment Upgrade	-12,749.86
03/08/2011	13579	McCollum Hardware, Inc.	Office Supplies	-21.02
03/08/2011	13580	Minn Energy Resources Corporation	Utilities	-239.41
03/08/2011	13581	MN Viewers Asc.	Dues	-125.00
03/08/2011	13582	Morris Electronics, Inc.	Office Equipment Upgrade	-8,860.30
03/08/2011	13583	Norman County Index-Ada	Business Cards	-30.46
03/08/2011	13584	Office Supplies Plus	Office Supplies	-67.34
03/08/2011	13585	Ralph's Food Pride	Office Expense	-23.29
03/08/2011	13586	Renae Kappes	Cleaning	-150.00
03/08/2011	13587	Wambach & Hanson	Legal Counsel	-1,290.17
03/08/2011	13588	Wambach & Hanson Trust Account	Jacobson Buyout 2006 HSEM	-149,097.00
03/08/2011	13589	Zavoral & Sons	Pay Requests, Hendrum/Perley	-81,773.55
03/09/2011	13590	Marijo Vik*	Annual Report 2009	-2,400.00
03/09/2011	13592	Dean P Spaeth	per diem	-83.70
03/09/2011	13593	Diane J Ista	per diem	-132.15
03/09/2011	13594	Duane L Erickson	per diem	-154.18
03/09/2011	13595	Gregory R Homvik	per diem	-165.11
03/09/2011	13596	John D Austinson	per diem	-136.81
03/09/2011	13597	Michael K Christensen	per diem	-83.69
03/09/2011	13598	Raymond M Hanson	per diem	-127.37
03/09/2011	13601	Dean Spaeth	mileage reimbursement	-65.28
03/09/2011	13602	Diane Ista	mileage reimbursement	-15.00

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Feb 10 - Mar 9, 11				
03/09/2011	13603	Duane Erickson-Mgr	mileage reimbursement	-75.48
03/09/2011	13604	Greg Holmvik	mileage reimbursement	-77.52
03/09/2011	13605	John Austinson	mileage reimbursement	-49.98
03/09/2011	13606	Mike Christensen	managers expenses	-65.25
03/09/2011	13607	Raymond Hanson-Mgr	managers expenses	-36.72
2/10-3/9/11		Payroll/emp ins &	Med exp & Payroll taxes	-14,479.14
			Total	<u>-339,847.85</u>