

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

SPECIAL MEETING
June 29, 2011
APPROVED MINUTES

1. The special meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, June 29, 2011. Managers in attendance included Diane Ista, Dean Spaeth, Greg Holmviik, Duane Erickson, John Austinson, Raymond Hanson and Mike Christensen. Absent: None. In addition the following persons were in attendance: Administrator Kevin Ruud, Loretta Johnson, Engineer Bents and various other interested taxpayers and landowners.
2. Chairman Holmviik called the meeting to order 8:30 a.m.
3. Agenda Approval. A **motion** was made by Manager Christensen and **seconded** by Manager Ista to approve the agenda. **Carried**.
4. Robert Thompson Violation. Discussion followed regarding the violation of Robert Thompson for work done in Section 31 of Home Lake without a watershed district permit. It was reported that Technician Mark Aanenson reviewed the complaint and stated that it is clearly a violation to which Attorney Hanson agreed. Neighbors and landowners were given the opportunity to express their ideas. Managers Ista and Holmviik agreed that it is a violation of watershed district rules. Gene Thompson felt that there was a problem with the side slope that should be corrected and also expressed an issue with a board member being included in the discussion, who he felt, had a conflict of interest. Attorney Hanson stated that there is at least a perceived conflict of interest, but didn't know for sure if he did or did not. Manager Erickson stated that he has no financial interest in the action on this permit and over the years he has had sons and grandsons who have done work for Robert Thompson, his family planted and harvested on a fee basis. A **motion** was made by Manager Austinson and **seconded** by Manager Hanson to approve the after the fact Permit Application #16-29-11-1 of Robert Thompson to clean a ditch to the south for proper drainage in Section 31 of Home Lake Township. **Carried with Manager Ista opposed**. A **motion** was made by Manager Spaeth and **seconded** by Manager Hanson to accept the permit as presented today as restoration for the violation from the June regular meeting. **Carried**.
5. Gene Thompson Permit Application. Gene Thompson has a temporary permit to install up to a 24" permit and requested that the Board authorize it as a permanent application. Gene Thompson, Section 31, Flom Township. A **motion** was made by Manager Hanson and **seconded** by Manager Erickson authorizing a Permanent permit to install a field approach with up to a 24" culvert. **Carried**.

PERMIT APPLICATIONS

6. A **motion** was made by Manager Austinson and **seconded** by Manager Erickson to approve the following permit applications with recommendations attached. **Carried**.

- Gene Baukol, Section 24, Flom Township. Permit Application #6-29-11-1 to install a field approach with an 18 inch culvert. No recommendations.
- Matthew Borgen, Section 31, Hegne Township. Permit Application #6-29-11-2 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.
- Randy Borgen, Section 33, Mary Township. Permit Application #6-29-11-5 to install an 18” culvert with a trap with the condition that the pipe outlet is set at a maximum of two feet from the ditch bottom and that the spoil bank is restored to the current elevation and that the applicant is responsible for adequate erosion control measures associated with the project.
- Wayne Borgen, Section 20, Lee Township. Permit Application #6-29-11-6 to extend a pipe through a field approach from a 36 foot long pipe to a 40 foot long pipe. No recommendations.
- Dean Pederson, Section 24, Strand Township. Permit Application #6-29-11-11 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.
- Shane Sharp, Section 11, Shelly Township. Permit Application #6-29-11-12 to install three field approaches with culverts with the condition that the pipe sizes are 18 inches.
- Shane Sharp, Section 5, Halstad Township. Permit Application #6-29-11-13 to install a field approach with a culvert with the condition that the pipe size is 18 inches.
- Shane Sharp, Section 7, Shelly Township. Permit Application #6-29-11-14 to install a field approach with a culvert with the condition that the pipe size is 18 inches.

- Skaurud Grain Farms, Section 33, Waukon Township. Permit Application #6-29-11-15 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 USFWS 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.
- Viking Gas, Section 11, McDonsalville Township. Permit Application #6-29-11-17 to add a 24 inch culvert in a driveway. No recommendations.
- David Visser, Section 14, Sundal Township. Permit Application #6-29-11-18 to clean and deepen a ditch with the condition that the landowners obtains approval from the road authority for any work done in the road right-of-way and that the landowner install adequate erosion control measures.
- David Visser, Section 11, Strand Township. Permit Application #6-29-11-19 to extend a centerline culvert and a culvert in a field approach with the condition that the landowner obtains approval from the road authority for any work done in the road right-of-way.

7. A **motion** was made by Manager Christensen and **seconded** by Manager Hanson to table the following permit applications and notify downstream landowners. **Carried**.

- Paul Borgen Farms, Section 12, Georgetown Township. Permit Application #6-29-11-3 to install subsurface drain tile with lift pumps. Notice landowners in the N1/2 of Section 11 and the S 1/2 of Section 2 in Georgetown Township.
- Paul Borgen Farms, Section 7, Winchester Township. Permit Application #6-29-11-4 to install subsurface drain tile with left pumps. Notice landowners in the NW1/4 of Section 7, Winchester Township.
- Hegne Township, Section 36, Hegne Township. Permit Application #6-29-11-7 to replace two 30" CMPs with a concrete box culvert. Request a size for the box culvert and provide a hydraulic analysis.
- MN DOT, Sections in Goose Prairie and Ulen Townships. Permit Application #6-29-11-8 to remill the roadway and replace culverts. Notice landowners on the East side of the project and the West side of the roadway in Section 4 of Goose Prairie Township and Section 21 of Ulen Township.
- Norman County Highway Department, Sections 29-32 Anthony Township. Permit Application #6-29-11-9 to install a new 24 inch centerline culvert. Notice the South 1/2 of Section 29 and the North 1/2 of Section 32 of Anthony Township.

8. Project #30 Repair. Administrator Ruud provided counter offers from Jonathon and Curt Sorenson for property along the Project #30 repair site in Section 21-145-47. A **motion** was made by Manager Hanson and **seconded** by Manager Spaeth authorizing Chairman Holmvik or Administrator Ruud to execute the counter offers. **Carried**. Engineer Bents and Administrator Ruud discussed options for paying the local share of the costs for the repair project. A **motion** was made by Manager Hanson and **seconded** by Manager Austinson authorizing Bents and Ruud to investigate either a five or ten year bond sale and bring back to the board. **Carried**. Bents reported that bid opening for the project is scheduled for July 21, 2011.

9. Community Ring Dikes Update. Administrator Ruud reported on the financing of the community ring dikes of Hendrum and Perley if the State of MN has a shut down as seems possible July 1, 2011. Ruud stated that the RRWMB will assist with financing of the projects up to \$3.4 Million if needed. However there are conditions associated with this financing stating that the District will need to have used their available funds first. Ruud stated that in discussions with leaders of both Hendrum and Perley regarding the possibility of having to shut the contractor down due to lack of State funds, they had both agreed to abide by the decision of the Watershed District.

10. Project #9 Repair. Administrator Ruud reported that staff has been negotiating with Lori Merkle regarding a buyout of some of her property in the NW¹/₄ of Mary Township, however she has concerns regarding taking land out of production. The property would be used to do a setback levee which the District has some funds from the 2009 FEMA funding. A **motion** was made by Manager Christensen and **seconded** by Manager Hanson authorizing staff to negotiate with Merkle and pay \$100 for an option. **Carried**.

11. Upper Becker Project D. Administrator Ruud reported that the RRWMB did approve Step #1 submitted to their board. Managers discussed the possibility of borrowing an additional \$100,000 to move the project on to Step #2. Manager Holmvik stated he didn't have a problem doing that if this board will move ahead with the project, but thinks there is no reason to spend the money for Step 2 if the Board will not agree to move forward on the project. Manager Hanson stated that the board however, cannot leave itself in the position of being held hostage by one landowner who is opposed and the Managers not willing to use eminent domain. Manager Erickson stated that he would never support eminent domain. Hanson stated that this issue should be addressed, there is no need to borrow or spend money if they are not going to use all the tools in our chest to move forward. A **motion** was made by Manager Hanson and **seconded** by Manager Holmvik that Managers are willing to use eminent domain. A roll call vote was taken. All Managers voted yes, except Manager Erickson voted no. **Carried**.

12. There being no further business to come before the Board of Managers a **motion** was made by Manager Hanson and **seconded** by Manager Ista to adjourn the meeting. **Carried**. Chairman Holmvik adjourned the meeting at 11:00 a.m.

John Austinson, Secretary