

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

REGULAR MEETING

October 13, 2010
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, October 13, 2010. Managers in attendance included Greg Holmvik, Diane Ista, Raymond Hanson, Greg Holmvik and Dean Spaeth. Absent: John Austinson and Duane Erickson. In addition the following persons were in attendance: Interim Administrator Mark Aanenson, Assistant Administrator Loretta Johnson, Attorney Hanson, Engineer Jerry Bents and additional property owners, taxpayers and interested persons within the Watershed District.
2. Chairman Holmvik called the meeting to order at 8:30 a.m.
3. Approval of Agenda. A **motion** was made by Manager Christensen and **seconded** by Manager Spaeth to approve the agenda with additions of additional billings related to Community Ring Dikes. **Carried**.
4. Hendrum/Perley Community Ring Dikes. A **motion** was made by Manager Hanson and **seconded** by Manager Spaeth to approve payment of \$8,875 to Ehlers for the bonding expenses on Hendrum and Perley which will be reimbursed to the District through the expenses to the project. **Carried**.
5. Administrator's Contract. Managers reviewed the administrator's contract that was previously presented to the Finance Committee by Kevin Ruud. Manager Spaeth, Treasurer of the District, and Chairman of the Finance Committee reported that committee members met with Ruud and reviewed the proposal. Manager Ista indicated that she did not agree with the portion of the agreement regarding the salary proposal and not being an at will employee contract. A **motion** was made by Manager Spaeth and **seconded** by Manager Christensen to approve the Administrative Contract for Kevin Ruud, as presented. **Carried with Manager Ista opposed**. (A copy of the contract is on file at the District office.)
6. Open Microphone. Adam Phillips, Biologist Ducks Unlimited introduced himself stating that he has filled the first permanent position in this part of the state for a biologist for Ducks Unlimited. Shawn Balstad and Jessica Heitman, local NRCS representatives were introduced to the Board.
7. Community Levees, Hendrum and Perley. Engineer Bents reported that Zavoral Construction of East Grand Forks, was awarded the contract for both projects and a preconstruction meeting was held. Bents stated that it appears that the DNR will fund the \$5,000 for a preliminary engineer's report for Shelly, however at this time will not fund Felton.

8. Farmstead Ring Dikes. Engineer Bents reported that the following NRCS funded dikes including Carlson, Gilbertson, Hoff, Scherfenberg, Prussia, Roesch and Anderson are completed and Borgen and Guttormson are nearly complete. The following State funded dikes of Pingree and Steen are complete, Brammer, Hendrickson and Miller will be completed in October with issues related to the Nyberg dike. A **motion** was made by Manager Hanson and **seconded** by Manager Ista to approve the following final pay requests: Avery Dirtworks in the amount of \$2,626.37 for the Brammer Ring Dike, Avery Dirtworks in the amount of \$1,545.83 for the Hendrickson Ring Dike and Roger Hennen in the amount of \$21,255 for the Miller Ring Dike. **Carried**. Regarding the Final Pay Request to Avery Dirtworks for the Jack Nyberg Ring Dike, Bents reported that there is additional work that needs to be done and Avery verbally agreed to the District withholding \$1,800 for another contractor to complete the project and him being paid \$1,595.96. A **motion** was made by Manager Ista and **seconded** by Manager Hanson authorizing approval of the Change Order and Pay Request in the amount of \$1,595.96 to Avery. The check will be held until a signed change order and final pay request is received from Avery. When these executed documents are received by staff the final payment will be mailed. **Carried**.

9. Manager Erickson arrived at 9:00 a.m.

10. Project #42. A spreadsheet listing the status of the easements and options for Upper Becker was distributed to the Managers for review. Manager Holmvik asked if the properties described would be needed in any other project on Upper Becker than Project A. Engineer Bents replied that the majority of the properties listed are not needed for Project D except some could be used for a grass buffer. Manager Hanson stated that until the appeal process by the City of Hendrum on Project A is completed there isn't much the District can move forward on. Attorney Hanson reported that he had recent communication with Travis Germundson, BWSR and Attorney William Brudvik representing the City of Hendrum in the appeal. They indicated that an informal resolution meeting is scheduled for 11:00 a.m. on Monday October 25, 2010, at the office of MnDOT in Detroit Lakes. A **motion** was made by Manager Hanson that the following three board members, Managers Erickson, Christensen and Hanson attend the meeting along with Attorney Hanson and Engineer Bents and present the Watershed's position on Project D and only Project D. **Seconded** by Manager Christensen. **Carried. Manager Ista opposed.** Engineer Jerry Bents will provide the statistics and detail of the project. Ista stated that she did not agree with pursuing Project D as she felt that the obstacles with Project A could have been overcome and worked out.

George Read, landowner, read the following letter that he wrote to the City of Hendrum regarding the appeal.

"Good people of Hendrum, I speak to you in the spirit of cooperation. I promote water retention. I and many of my neighbors from the eastern part of the Valley have stepped forward to fight floods. We are not strangers to adversity.

Two and a half year ago, I was approached regarding gating and raising the Upper Becker Dam, which is located mostly on my farm. At first I was in favor of these enhancements. The engineers, without consulting land owners, had already picked an elevation, without regard to consequences. Upon closer examination, and consulting with my neighbors, I became aware of the devastating consequences of the proposed elevation.

I discovered Eric Zurn, Bill Boutwell, Mark Stalberger and I would not have access to some of our cropland as originally proposed, at an elevation of 1220 feet. Gerald Jirava has a feed lot where anything above a 1212' elevation, has potential MICA and PCA problems. A 1220' elevation brings waters edge a stones through from six farm yards. Several of these have small children. Our water table is high to begin with, but an indoor pool in the basement, is not an option. We need the water out of our yards.

There has not been a cost, benefit analysis done to determine if the proposed \$11,000,000.00 enhancements to the current dam would remedy an equal benefit, or any benefit of significance at all. If there were a dam built across the whole beach ridge and never released a drop, there would still be flooding if you had one inch more rain than the ditches would hold. Flooding our sugar beet fields to protect other sugar beet fields is a waste of taxpayer money.

I quote from TIME Magazine, August 9 2010, page 9. "The American Society of Civil Engineers says 4,095 of the nations 85,000 dams are in need of repair, including 1,826 that could cause loss of life if they failed." This equates to 44% of those needing repair are potential killers. Who would like to live directly below a dam? Who is willing to take personal responsibly for this dam, and guarantee it will never fail. At 1212', those down stream are much safer in the event of a breach. Headlines abound with engineering failures, Titanic, Hwy 35 Bridge, Iowa dam, Toyota...

On May 12, the Wild Rice Watershed District voted down the 1220' elevation with 7936 acre-foot gated storage, and accepted a 1212' elevation with 3288 acre-foot storage. On June 8 ' landowners and three WRWD managers and the administrator met. We suggested moving the dam south 1 2 to 3 4 miles. This would increase capacity to approximately 5500 acre-feet. This is 70% of the original proposal, without hardships or hard feelings. Enhancing the current dam to a gated structure requires reinforcing 1.25 miles, as opposed to a 1 4 mile gated structure to the south.

This is where we draw the line, and we will defend this line. Do not underestimate our resolve. If you withdraw your appeal we can cooperate and build this dam together, and soon. Or you can alienate yourselves, and fight until there is no money left for flood control. Future flood control projects depend on goodwill. If we aren't treated fairly, no one else will consider cooperating.

Your neighbor in the eastern part of the valley, George Read"

11. Project #4 Upper Becker. Riceville Township submitted a request for payment of \$460 for road repair by Project #4. A **motion** was made by Manager Spaeth and **seconded** by Manager Hanson to pay \$460 to Riceville Township from the Project #4 Upper Becker account. **Carried**.

12. Norman County Road #147. The question was raised regarding Norman County Road #147 and the need for repair. Attorney Hanson commented that he has tried to contact Mick Alm at the County office regarding this repair numerous times and left messages at least three times, to which he had not received a reply. Hanson also stated that he doesn't have any evidence that the District should pay for the repair. Manager Hanson asked what the customary procedure was to which Engineer Bents replied that usually the road authority pays for damages to the road side and the field side damages on a ditch system are usually paid for by the ditch system.

PERMIT APPLICATIONS

Chairman Holmvik stated that Mick Alm had requested that action on the tiling permits be held until he comes to the meeting. He will be late due to a previous commitment.

13. A **motion** was made by Manager Hanson and **seconded** by Manager Spaeth to approve the following permit applications with the conditions shown. **Carried.**

- Carol Halvorson, Section 20, Hendrum Township. Permit Application #10-13-10-2 to extend a 12 inch culvert in the farmstead driveway to widen the driveway.
- Jeff Petry, Section 2, Pleasant View Township. Permit Application #10-13-10-8 to install a field approach with a 24" culvert.
- Scott Visser, Section 2, Wild Rice Township. Permit Application #10-13-10-17 to change a culvert in the driveway from 15" to 18".
- Scott Visser, Section 6, Fossum Township. Permit Application #10-13-10-18 to construct a new ditch to cause runoff to flow on the west side of the farmstead rather than the east side with the recommendation that the applicant obtain approval from the road authority for work in the road right-of-way.

14. A **motion** was made by Manager Hanson and **seconded** by Manager Erickson to approve the following permit applications with the conditions shown. **Carried with Manager Ista opposed.**

- Mike Borgen, Section 1, Georgetown Township. Permit Application #10-13-10-5 to lower a culvert in the NW ¼ of Section 1 with the condition that the pipe sizes do not change and that the culverts are installed to grade between the upstream culvert (on the half mile line north ½ of Section 1) and the downstream culvert (north ½ of the NW1/4 of Section 2).
- Mike Borgen, Section 1 Georgetown Township. Permit Application #10-13-10-6 to lower a culvert between Section 1 and Section 2 of Georgetown Township with the condition that the pipe sizes do not change and that the culverts are installed to grade between the upstream culvert (on the half mile line north ½ of Section 1) and the downstream culvert (north ½ of the NW ¼ of Section 2).

15. Doug Spaeth, Section 30, Chief Township. A **motion** was made by Manager Erickson and **seconded** by Manager Hanson to approve Permit Application #10-13-10-1 of Doug Spaeth to install subsurface drain tile in Section 30 of Chief Township with the condition that the applicant get approval from the landowner in the SE ¼ of the Section for work on their property and that the applicant install adequate erosion control measures at the outlet of the tile system. **Carried with Manager Spaeth abstaining.**

16. MnDOT, Section 22, Oakland Township. A **motion** was made by Manager Hanson and **seconded** by Manager Christensen to approve Permit Application #10-13-10-3 to replace a 24" culvert with a 36" culvert due to water on Highway #113 and add overlay on top of the Roadway surface. Manager Hanson voted for the motion and everyone else against. **Motion failed** due to lack of majority. A **motion** was made by Manager Erickson and **seconded** by Manager Spaeth to **deny** the permit application due to downstream concerns. **Carried with Manager Hanson opposed.**

17. David Roesch, Section 6, McDonaldsville Township. A **motion** was made by Manager Spaeth and **seconded** by Manager Christensen to approve Permit Application #10-13-10-9 to install three culverts into J.D. #51 the sizes will be 18" or 24". The permit is conditional on there being no traps on the culverts and that the outlet end of the culverts are install no more than 24" off the bottom of J.D. #51. **Carried.**

18. Dean Bentley, Section 14/15, Wild Rice Township. A **motion** was made by Manager Christensen and **seconded** by Manager Erickson to approve Permit Application #10-13-10-10 to install a new 30" centerline culvert. **Carried.**

19. Austin Anderson, Section 12, Georgetown Township. A **motion** was made by Manager Hanson and **seconded** by Manager Erickson to approve Permit Application #10-13-10-11 to remove trees and install a temporary berm across the coulee for equipment access. **Carried with Managers Ista and Holmvik opposed.**

20. Mick Alm arrived at the meeting and requested discussion on tiling permits. Alm stated that he had concerns regarding tile draining into County Ditches and felt that the Watershed District needs to review to make sure that the outlet inverts are compatible with whatever is available. Alm asked if it would be reasonable to facilitate a meeting with all county engineers, SWCD, NRCS and landowners in the Watershed District. A **motion** was made by Manager Ista that was **seconded** by Manager Spaeth authorizing staff to schedule a special meeting for the purpose of discussing tiling and invite county engineers, SWCD and NRCS personnel and the Board of Managers. **Carried.** Consensus of Managers was also to send copies of all permits to the Township chairman within the Township of the permit application.

21. Russell Olson, Section 12, Rockwell Township. A **motion** was made by Manager Hanson and **seconded** by Manager Erickson to approve Permit Application #10-13-10-14 to install two subsurface tiles or a ditch with the condition that the applicant obtains approval from the road authority for work in the road ROW and that if a ditch is installed, the landowner must install a 24" or smaller culvert at the outlet and the landowner may install one or two 24" culverts in the new ditch to slow the runoff down to reduce soil erosion. **Carried.**

22. Viding Township, Section 6, Viding Township. A **motion** was made by Manager Hanson and **seconded** by Manager Christensen to approve Permit Application #10-13-10-16 to remove a span bridge and overflow pipe with the condition that the ditch slopes are restored to match the existing ditch cross section and that the applicant install adequate erosion control measures during construction. **Carried.**

23. Pete Moen, Section 23, Waukon Township. A **motion** was made by Manager Christensen and **seconded** by Manager Hanson to approve Permit Application #10-13-10-4 to install subsurface drain tile with the recommendation that the applicant obtain approval from the Ditch Authority (Norman County). **Carried.**

24. Mattson Brothers, Section 1, Atlanta Township. A **motion** was made by Manager Spaeth and **seconded** by Manager Erickson to approve Permit Application #10-13-10-7 to install subsurface drain tile with the condition that a tile plan is provided to staff for review prior to the permit being mailed. **Carried.**

25. Michael Chisholm, Section 10 Strand Township. A **motion** was made by Manager Hanson and **seconded** by Manager Spaeth to approve Permit Application #10-13-10-12 to install subsurface drain tile with the recommendation that the applicant obtains approval from the road authority for work within the road ROW and with the recommendation that the applicant obtains approval from Norman County for the outlets into Norman County Ditch #75 and that the applicant install adequate erosion control measures at the outlet of the tile system. **Carried.**

26. Michael Chisholm, Section 8, Wild Rice Township. A **motion** was made by Manager Ista and **seconded** by Manager Hanson to approve Permit Application #10-13-10-13 to install subsurface drain tile with the condition that the landowner in the W1/2SW1/4 of Section 8, Wild Rice Township sign the permit and that the applicant install adequate erosion control measures at the outlet of the tile system. **Carried.**

27. Greg Zillmer, Section 7, Ulen Township. A **motion** was made by Manager Spaeth and **seconded** by Manager Christensen to deny Permit Application #10-13-10-15 to install subsurface drain tile due to downstream landowner concerns regarding increased water. **Carried.**

28. Derek Hendricks, Section 30, Wild Rice Township. A **motion** was made by Manager Christensen and **seconded** by Manager Hanson to **deny** Permit Application #10-13-10-19 to remove a driveway and approach with a 12" and a 24" culvert, due to the decision by Norman County to deny Mr. Hendricks request to bring his property into the benefitting area of Norman County Ditch #39. **Carried.**

COMPLAINTS

29. Lindsey Lake Section 33, Spring Creek Township, Mahnomon County. Mark Stalberger and James Jirava submitted complaints alleging that illegal blockage has been installed in Section 33 of Spring Creek Township, and requested an investigation. Manager Erickson stated that he had the actual GPS coordinates of the blockage so finding it would not be a problem. A **motion** was made by Manager Erickson and **seconded** by Manager Hanson to table discussion at this time and set up a field site meeting with landowners. **Carried.**

30. MAWD Annual Meeting, December 2-4, 2010. A **motion** was made by Spaeth and **seconded** by Manager Christensen approving attendance of Managers, staff and administrator to the MAWD Annual Meeting in Alexandria, MN. **Carried.**

31. Dean Bentley, Section 14/15, Wild Rice Township. A **motion** was made by Manager Spaeth and **seconded** by Manager Ista to **rescind the previous motion to approve** Permit Application #10-13-10-10 to install a new 30" centerline culvert and table the permit and notice the N1/2 of Section 15, of Wild Rice Township. **Carried with Manager Erickson opposed.**

32. Manager Erickson left the meeting.

33. DFIRM Grant. Engineer Bents provided an update on the DFIRM Grant and indicated that it was running on schedule.

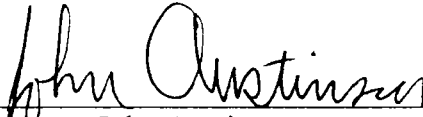
34. Wild Rice Watershed District COE FS. A status update was provided to the board for review.

35. 2009 Rural Acquisition Home Property Buyout. Mark Aanenson gave a brief update of the program and explained the process with the FEMA funding and status of the program.

36. Project #30 FEMA Repairs. Engineer Bents reported that Gordon Construction submitted the low bid on the Project in the amount of \$37,200 and recommended approval of the contract. A **motion** was made by Manager Hanson and **seconded** by Manager Ista to authorize hiring of Gordon Construction for the project. **Carried.**

37. J.D. #51 FEMA Repair. Engineer Bents reported that construction will begin on the Ice Control Project Repair, Monday October 18, 2010.

38. Financial Report Dated 9/30/10 and Managers Per Diem. A **motion** was made by Manager Hanson and **seconded** by Manager Ista to approve the Financial Report dated September 20, 2010 as presented by Doug Marcussen and approve the payment of Managers Per Diem and Expenses for October 13, 2010. **Carried**.
39. October Project Team Meeting. Consensus of Managers was to not hold a Project Team Meeting in October due to scheduling conflicts they have not held the Subcommittee Meeting.
40. Meeting Minutes. A **motion** was made by Manager Ista and **seconded** by Manager Hanson to approve the minutes dated September 22, 2010. **Carried**. A **motion** was made by Manager Christensen and **seconded** by Manager Spaeth to table any action on the September 8, 2010, meeting minutes until further review and action at the November meeting. **Carried**.
41. There being no further items to come before the Board of Managers a **motion** was made by Manager Hanson and **seconded** by Manager Spaeth to adjourn the meeting. **Carried**. Chairman Holmvik adjourned the meeting at 2:20 p.m.



Secretary John Austinson

Date	Num	Name	Memo	Amount
Sep 9 - Oct 13, 10				
09/15/2010	13191	Raymond Hanson-Mgr	managers mileage expense	-18.00
09/16/2010	13265	Virgil McKay	City of Hendrum Easement	-500.00
09/17/2010	13266	David Vilmo	Easement Norman Co. CD18	-2,700.00
09/21/2010	13264	All Seasons	FEMA Repair	-405.00
09/24/2010	13271	Red River Watershed Mgmt Board	Repayment on Richards Land	-600,000.00
10/13/2010	13276	Dean P Spaeth	Managers Per Diem	-181.34
10/13/2010	13278	Diane J Ista	Managers Per Diem	-155.43
10/13/2010	13277	Duane L Erickson	Managers Per Diem	-129.53
10/13/2010	13274	Gregory R Homvik	Managers Per Diem	-355.54
10/13/2010	13275	Michael K Christensen	Managers Per Diem	-233.14
10/13/2010	13279	Raymond M Hanson	Managers Per Diem	-138.52
10/13/2010	13280	Alltel	Utilities	-114.58
10/13/2010	13281	AmeriPride	Rug Cleaning	-64.40
10/13/2010	13282	Arvid L Ambuehl	mowing - ditch maint	-9,960.00
10/13/2010	13284	City of Ada	Utilities	-338.22
10/13/2010	13285	Clay County Union	Budget Ad	-121.00
10/13/2010	13286	Dean Spaeth	reimburse expense	-98.00
10/13/2010	13287	Duane Erickson-Mgr	expense reimbursement	-64.00
10/13/2010	13288	Ehlers and Associates	Bond Costs Perley and Hendrum	-8,875.00
10/13/2010	13289	Farmers Publishing Company	budget hearing	-14.40
10/13/2010	13290	Frandsen Bank	XXXX-3297	-836.92
10/13/2010	13291	Frandsen Bank - Ada	payroll taxes	-2,416.90
10/13/2010	13292	Genesys Conferencing	Utilities	-36.50
10/13/2010	13293	Global Safety Network	Background Check	-80.89
10/13/2010	13294	Greg Holmvik	expense reimbursement	-25.00
10/13/2010	13295	Houston Engineering, Inc.	Engineering Fees Oct 10	-54,170.39
10/13/2010	13296	James Wagner, Sr.	Beaver Control 10-13-10	-3,773.00
10/13/2010	13298	Loretel Systems	Utilities	-302.51
10/13/2010	13300	MARCO, Inc.	copier rental	-616.89
10/13/2010	13301	Marcussen Accounting	August/Sept Billing	-867.94
10/13/2010	13302	Mike Christensen	expense reimbursement	-117.25
10/13/2010	13303	North Star Water	water for office	-59.55
10/13/2010	13304	Office Supplies Plus	Office Supplies	-233.44
10/13/2010	13305	Ralph's Food Pride	Office Supplies	-22.46
10/13/2010	13306	Raymond Hanson-Mgr	expense reimbursement	-36.00
10/13/2010	13307	Renae Kappes	Cleaning	-100.00
10/13/2010	13308	Riceville Township	repairs for damages	-460.00
10/13/2010	13309	Roger Hennen	Final Pay Req Miller	-21,255.00
10/13/2010	13310	Steichen Excavating	CD #18	-276.50
10/13/2010	13311	Wambach & Hanson	Legal Fees October 10	-2,452.64
10/13/2010	13312	Wambach & Hanson Trust Account	Closing Costs Hendrum/Perley	-11,245.26
10/13/2010	13313	Wesley Carlsrud	spraying - ditch maintenance	-8,755.00
10/13/2010	13314	Avery Brothers Dirtworks	Brammer Final Pay Req	-2,626.37
10/13/2010	13315	Avery Brothers Dirtworks	Final Pay Req Hendrickson	-1,545.83
10/13/2010	13316	Avery Brothers Dirtworks	Final Pay Req Nyberg	-1,595.96
10/13/2010	13317	Mike Christensen	addn mileage - missed	-25.00
Sep 9 - Oct 13, 10		Payroll/emp ins &	Med exp & Payroll taxes	-8,279.02
Total Sep 9 - Oct 13, 10				-746,678.32