

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

REGULAR MEETING
February 9, 2022
APPROVED MINUTES

A full list of acronyms used is available at the end of this report (Appendix B)

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, February 9, 2022. Managers in attendance included: Greg Holmvik, Duane Erickson, Mark Harless, Raymond Hanson, and Curt Johannsen. In addition, the following persons were in attendance: Administrator Tara Jensen, Engineer Jerry Bents, Attorney Elroy Hanson, Bookkeeper Stacy Purrington, Administrative Assistant Amy Nelson, Brian Borgen, Aaron Neubert, Bryan Malone, Tom Bergren, Todd Kjos and Rob Baden. Managers Dean Spaeth and Mike Christensen were absent from the meeting.
2. Chairman Holmvik called the meeting to order at 8:30 a.m. with recital of the pledge of allegiance.
3. Agenda Approval. A motion was made by Manager Johannsen and seconded by Manager Harless to approve the agenda with the following additions. Carried:
 - Mahnomen County SWCD
 - Roy Lake Joint Powers Agreement
 - Lower Wild Rice
4. Meeting Minutes. A motion was made by Manager Johannsen and seconded by Manager Harless approving the January 19, 2022, Regular Meeting Minutes as presented. Carried.
5. Approval of Billings. A motion was made by Manager Harless and seconded by Manager Johannsen to approve the payment of billings as presented. Carried.
6. Financial Report. A motion was made by Manager Johannsen and seconded by Manager Harless to approve the monthly financial report dated January 31, 2022, as presented. Carried.
7. Open Mic. Nobody spoke at this time.
8. Manager Hanson and Attorney Hanson arrived at 8:34 a.m.
9. Brian Borgen, Upper Reaches. Mr. Borgen presented concerns regarding the levee repair southeast of Ada. A copy of the Upper Reaches Maintenance Policy was provided to Mr. Borgen. Lengthy discussion regarding the project history, repair plans and ditch authority obligation was held.
10. Aaron Neubert, Mahnomen County SWCD. Neubert presented a funding request in the amount of \$85,977 which is 40% of the total project cost. Discussion was held regarding the request. A motion was made by Manager Erickson to approve the request. The motion failed for lack of a second. A motion was made by Manager Erickson and seconded by Manager Harless to table the request, authorizing staff and engineering to develop various options of where the requested District cost share could come from. Carried.

11. Bryan Malone, Becker County SWCD. Malone presented a funding request in the amount of \$25,000 for implementation of several water and sediment control structures. The request total approximately 10% of the estimated project costs. Discussion was held. A motion was made by Manager Erickson and seconded by Manager Hanson to approve the request, with the District issuing the payment directly to the landowner. Carried.

12. Nathan Olson, MN DNR. Olson presented a Joint Powers Agreement to have Houston Engineering provide their services on the Roy Lake Outlet. A motion was made by Manager Johannsen and seconded by Manager Harless to approve the Joint Powers Agreement contingent on WRWD legal, staff and engineering review. Carried.

13. Goose Prairie. Administrator Jensen provided an update on acquisitions.

- Kyle Bergren asked to meet with Administrator Jensen and two Board members. Chairman Holmvik and Manager Harless volunteered. A motion was made by Manager Erickson to have Administrator Jensen meet with all landowners. The motion failed for lack of a second. A motion was made by Manager Johannsen and seconded by Manager Hanson to authorize Jensen, Holmvik, Harless and Engineer Bents meet with Kyle Bergren as requested. Carried.
- Travis Amundson will contact Administrator Jensen next week following his discussion with Oberg.
- Ginger Petermann-a meeting has been requested with the Petermann parties and their attorney to discuss project details.
- Ed Anderson-no objections, no desire to go forward.
- Todd Kjos-would like to purchase non-tillable Bergren land. He requests that no trees are removed and that he can put a culvert in to access his deer stand. Attorney Hanson verified that some language could be added granting him access. A motion was made by Manager Johannsen and seconded by Manager Hanson to update the Kjos offer to \$2,970 to be in line with the updated appraisal. Carried.

A motion was made by Manager Hanson and seconded by Manager Johannsen to approve sending final offer letters to Kjos and Anderson. Carried.

A motion was made by Manager Hanson and seconded by Manager Johannsen to pass Resolution 21-1 *Resolution Determining the Necessity For and Authorizing the Acquisition of Certain Properties for Flood Protection Purposes*. A roll call vote was held. Manager Johannsen, Manager Harless, Manager Hanson and Chairman Holmvik voted in favor. Manager Erickson voted against, stating that he is opposed to eminent domain. Carried. A copy of the resolution can be found in Appendix A at the end of this report. It is noted that staff plans to continue negotiations with remaining landowners through the eminent domain proceedings.

14. Community Flood Protection. The HSEM Grant Application was submitted to FEMA. A cost share agreement for \$625,000 is anticipated to be approved at the RRWMB meeting on February 15, 2022.

15. FEMA Buyouts. Administrator Jensen provided updates on each property. Moving forward, funding is in place for the acquisitions. A motion was made by Manager Johannsen and seconded by Manager Hanson to approve the Rudell Purchase Agreement and close when the legal process is completed. Carried.

- Wegge-Appraisal update pending to add in the garage
- Ista, Vik, Jacobson, Welch & Paulsrud-Purchase agreements are drafted and will be given to owners for review.

16. Ditch and Project Maintenance. JD 53 easement purchase agreements are pending from legal. Swenson verbally agreed to terms as presented. Administrator Jensen will follow up with Aamodt and Rostberg. The purchase agreements will be mailed to landowners once complete.

17. Upper Reaches. A motion was made by Manager Hanson and seconded by Manager Harless to approve the Chair to sign the exercise notices for Strand and McNamar. Carried.

18. Project 25 Green Meadow Township. The Township is contacting their FEMA representative. District Staff is waiting for feedback from the Township before proceeding.

19. Lower Wild Rice. A motion was made by Manager Hanson and seconded by Manager Harless to approve the Chair to sign the exercise notices for Kroshus (two parcels), Olson and Wagner. Carried.

A purchase agreement for D & W Kroshus LLLP was sent to Kim Peters (representative) for her review. A motion was made by Manager Johannsen and seconded by Manager Hanson to sign the purchase agreement once it is reviewed by staff and Peters. Carried.

The District received two applications for acquisitions on residential properties in this area. A motion was made by Manager Johannsen and seconded by Manager Hanson to authorize Administrator Jensen to get appraisals on two additional residential properties. Carried.

20. Administrator Contract Amendment. A motion was made by Manager Hanson and seconded by Manager Harless to remove the language requiring the Employer be named as an additional named insured as recommended by Attorney Hanson. Carried.

PERMIT APPLICATIONS

21. A motion was made by Manager Hanson and seconded by Manager Harless to continue to table the following permit applications for reasons as listed. Carried.

- Barrick Family Farms, Section 25, Lockhart Twp. Permit #22-008 to construct a stormwater pond pending project plans for the pond.
- Johnson Bros Farms, Section 35, Hegne Twp. Permit #21-093 to install a new 18" or 24" centerline culvert pending previously requested information from the applicant.
- Gerald Lien, Section 34, Flom Twp. Permit #21-145 to install subsurface drain tile pending a field review.
- John Pazdernik, Section 7, Lake Grove Twp. Permit #22-003 to install subsurface drain tile pending a field review.
- Brian Ramsrud, Section 11, LaPrairie Twp. Permit #21-105 to install a crossing over Mosquito Creek with a 6-foot or 8-foot diameter culvert pending previously requested information from the applicant.
- Jerry Sather, Section 10, Home Lake Twp. Permit #22-005 to install a ditch crossing with a 24" culvert pending a field review.
- Jerry Sather, Section 10, Home Lake Twp. Permit #22-006 to install a field approach with a 36" or 48" culvert pending a field review and to notice interested parties.
- Jerry Sather, Section 10, Home Lake Twp. Permit #22-007 to install a field approach with a 36" or 48" culvert pending a field review and to notice interested parties.
- Ed Scherping, Section 35, Pembina Twp. Permit #22-002 to install subsurface drain tile pending a field review.

- Kelly Schultz, Section 23, Goose Prairie Twp. Permit #21-142 to install a new 18” centerline culvert pending previously requested information from the applicant.
- Robert Spaeth, Section 1, Pembina Twp. Permit #21-123 to replace a bridge with box culverts or raise the bridge pending previously requested information from the applicant.
- Tyler Zimmerman, Section 12, Popple Grove Twp. Permit #22-004 to construct wetland creations and restorations pending a field review.

22. 1W1P Funding. Manager Harless returned to the SWCD funding requests from earlier in the meeting. Discussion was held regarding the current 1W1P implementation agreement and other funding options. It was determined that Administrator Jensen and Engineer Bents will review funding options and present a draft of a formula to equally fund these projects.

23. Manager Per Diems. A motion was made by Manager Hanson and seconded by Manager Harless to approve payment of Manager per diems and expenses as distributed. Carried.

24. There being no further business to come before the Board of Managers, a motion was made by Manager Hanson and seconded by Manager Johannsen to adjourn the meeting. Carried. Chairman Holmvik adjourned the meeting at 10:36 am.

Curt Johannsen, Secretary

Date	Num	Name	Memo	Amount
Jan 20 - Feb 9, 22				
02/01/2022		QuickBooks Payroll Service	Created by Payroll Service on 01/31/2022	9,103.47
02/01/2022	ACH	Minnesota Energy Resources Corporation		59.00
02/03/2022	ACH	Arvig		346.04
02/07/2022	ACH	Verizon Wireless		1,010.87
02/05/2022	ACH	MARCO, Inc.		601.88
01/31/2022	ACH	PERA		1,396.14
01/27/2022	ACH	MN Dept of Revenue	5062265	573.00
01/27/2022	ACH	US Treasury-Payroll	41-6145653	2,997.32
02/04/2022	ACH	MN Dept of Revenue	5062265	558.00
02/04/2022	ACH	US Treasury-Payroll	41-6145653	2,805.66
02/07/2022	ACH	PERA		1,451.13
02/09/2022	18227	Afixia	Website hosting	270.00
02/09/2022	18228	Anders Valley Publishing, LLC	1 YEAR SUBSCRIPTION	35.00
02/09/2022	18229	Cardmember Service	January billing	528.13
02/09/2022	18230	Cintas	Rugs and sanitizer	122.71
02/09/2022	18231	EcoLab	Pest control	102.64
02/09/2022	18232	Gordon Construction, Inc.	Temporary Gate repair	600.00
02/09/2022	18233	Houston Engineering, Inc.		8,582.89
02/09/2022	18234	Kenneth Aaron Kesselberg	Snow removal	265.00
02/09/2022	18235	Mahnomen Pioneer	JOB AD	56.50
02/09/2022	18236	MAWD	2022 dues	7,500.00
02/09/2022	18237	Morris Electronics, Inc.		542.45
02/09/2022	18238	Norman County Treasurer/Auditor		11,513.99
02/09/2022	18239	Office Supplies Plus		181.53
02/09/2022	18240	Red River Watershed Management Board	TAX SHARE	9,627.89
02/09/2022	18241	Supermarket Foods	supplies	4.73
02/09/2022	18242	Tony Sip	Tree and debris removal	8,245.00
02/09/2022	18243	Wambach & Hanson	January Legal	2,874.18
02/09/2022	18244	Western National Insurance Group	COMMERCIAL INSURANCE POLICY	14,686.00
02/09/2022	18245	Norman County Treasurer/Auditor	BEAVER TRAPPING COST SHARE	55.00
02/09/2022	18246	Curt Johannsen		233.93
02/09/2022	18247	Duane L Erickson		142.40
02/09/2022	18248	Gregory R Holmvik		230.87
02/09/2022	18249	Mark L Harless		129.47
02/09/2022	18250	Raymond M Hanson		136.49
TOTAL				87,569.31

Appendix A

RESOLUTION NO. 21-1

WILD RICE WATERSHED DISTRICT, MINNESOTA

RESOLUTION DETERMINING THE NECESSITY FOR AND AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTIES FOR FLOOD PROTECTION PURPOSES

WHEREAS, the Board of Managers has determined that it is necessary and in the public's interest and benefit to complete the Goose Prairie Project which involves the acquisition of permanent and temporary property rights for the construction and maintenance of flood control improvements (the "Project");

WHEREAS, the acquisitions necessary for the Project ("Property Rights") are over parcels owned by Kyle and Amy Bergren, Roger and Cemone Oberg, Penny and Dean Jallo, Ginger R. Petermann as Trustee of the Ginger R. Petermann Revocable Living Trust, Cindy Wenner, Ricky and Evie Wenner, Todd and Arlene Kjos and Edmund and Collene Anderson (the "Property") as depicted in **Exhibit A**;

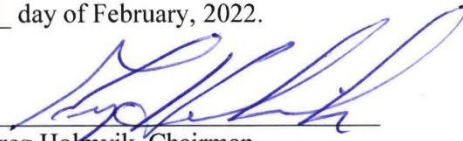
WHEREAS, the Board of Managers has determined that obtaining title and possession of the Property Rights as soon as legally possible is necessary and in the public's interest for the construction of Project; and

WHEREAS, all efforts shall be made to voluntarily acquire the Easements, but eminent domain will be used as a last resort.

NOW, THEREFORE, BE IT RESOLVED BY THE WILD RICE WATERSHED DISTRICT BOARD OF MANAGERS THAT:

1. The acquisition of Property Rights by the District over the real property depicted in **Exhibit A** is necessary for the purpose of constructing the Project.
2. The Administrator, together with the District's General Counsel and Rinke Noonan Law Firm, are hereby authorized to secure appraisals for the acquisition of the Property Rights, which will be determined to be just compensation for the acquisition.
3. The District's General Counsel and Rinke Noonan Law Firm are hereby authorized on behalf of the District to acquire the Easements through direct negotiation and, if necessary, by the exercise of the power of eminent domain pursuant to and as authorized by Minnesota Statutes Chapter 117.
4. Based upon the District's need to obtain title and possession of a portion of the Property for Property Rights to keep the Project on schedule, the District's General Counsel and Rinke Noonan Law Firm are specifically authorized to notify the owners of intent to take possession pursuant to Minnesota Statutes Section 117.042. The District's General Counsel and Rinke Noonan Law Firm are further authorized to take all actions necessary to carry out the purposes of this resolution in consultation with the Administrator and Engineer, including negotiating purchases in accord with the District's authorization and subject to final approval by the District.

Adopted by the Wild Rice Watershed District this 9 day of February, 2022.



Greg Holmvik, Chairman

ATTEST:



Tara Jensen, Administrator

Appendix B

List of Acronyms Used:

1W1P	One Watershed One Plan
FEMA	Federal Emergency Management Agency
FDRWG	Flood Damage Reduction Work Group
HSEM	Homeland Security and Emergency Management
MAWD	Minnesota Association of Watershed Districts
NHS	National Historical Society
JD53	Judicial Ditch 53
MNDOT	Minnesota Department of Transportation
RRWMB	Red River Watershed Management Board
SWCD	Soil and Water Conservation District
WMA	Wildlife Management Area
WRWD	Wild Rice Watershed District