

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

REGULAR MEETING
June 13, 2012
APPROVED MINUTES

1. The regular meeting of the Wild Rice Watershed District Board of Managers was held on Wednesday, June 13, 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 Hanson and seconded by Manager Spaeth to approve the agenda with the addition of audit, financial report, annual report and policies. Carried.
4. Approval of Billings. A motion was made by Manager Johannsen 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 Johannsen to approve the Regular Meeting Minutes dated May 9, with a correction in which Manager Spaeth was reelected to Treasurer. Carried.
6. Audit 2011/Annual Report. The audit for 2011 as prepared by Drees, Risky, & Vallager, Ltd. was presented to Managers for review. Consensus of Managers was to take the audit home and vote on approval at the next meeting. A motion was made by Manager Hanson and seconded by Manager Spaeth to approve the Annual Report for 2011 as prepared by Marijo Vik. Carried.
7. Rural Acquisition 2009 Program. Engineer Bents reported that Feldt Plumbing, has completed the demolition of all of the projects with a pay request with a closing date of May 31. A motion was made by Manager Hanson and second by Manager Christensen to approve Pay Request #1 in the amount of 47,854.26 to Feldt Plumbing for the demolition of the properties. Carried.
8. Communities of Perley and Hendrum Update. Engineer Bents provided an update on Perley and indicated that the current contract amount is \$1,952,470 of which \$1,773,885 is previously certified and a retainer in the amount of \$88,964. Project items that remain include continued road raise discussions with MN DOT and the County; revised assessments, O & M Manual development, 1997 levee existing levee easement – new project easements, maintenance agreement (WRWD/Perley), reenrollment in USACE Non-Federal Levee Program and as-built drawings and final project closeout. Following is the update on Hendrum with the current contract amount of \$1,549,618 of which \$1,474,608 is previously certified and a retainer in the amount of \$73,730. Project items that remain include continued road raise discussions with MN DOT and the County; revised assessments, O & M Manual development, 1997 levee existing levee easement – new project easements, maintenance agreement (WRWD/Hendrum), reenrollment in USACE Non-Federal Levee Program and as-built drawings and final project closeout.

9. Community of Halstad. Lucas Spaeth, Superintendent of Halstad Municipal Utilities submitted a request to the District for assistance in upgrading the Halstad Levee. A motion was made by Manager Johannsen and seconded by Manager Austinson to provide assistance to the Community of Halstad in the form of expertise and seeking funding assistance in obtaining a FEMA certified levee. Carried.

10. Project #30. Engineer Bents reported that Zavoral Construction is on the last ½ mile of the repair project. A motion was made by Manager Hanson and seconded by Manager Spaeth to authorize Pay Request #1 in the amount of Zavoral Construction for repair on Project #30 in the amount of \$246,275. Carried.

11. Project #4, Upper Becker Dam. Manager Erickson stated that because the 36" reducer pipe needs to be removed or repaired on the project due to beaver problems, he felt the reducer could be totally removed and a gate put on the structure, to hold more water. By making the change at this time, he thought money could be saved. However, Engineer Bents explained that the reducer and putting a gate on the structure are two different things with the gate being in a different area of the structure. Manager Hanson asked if there would be any permitting involved, to which Bents replied that the permitting process would be similar to Moccasin. Hanson stated that the District should figure out the cost before making a decision. Attorney Hanson stated that a public hearing would be required and Bents stated that the assessment area would need the right to voice an opinion. John Austinson stated that Lowell Anderson, who Austinson rents land from, indicated that he would want to swap land and not own it in the easement area. George Read, landowner, stated that the property owners would need to know how long the gate would be open and/or closed. Chairman Holmvik stated that is why this subject should be brought to the Project Team for discussion.

12. Beaver Trapping Watershed District. Manager Erickson asked Attorney Hanson if it was necessary for the District to require insurance for beaver trappers for the District and wondered if they couldn't sign a waiver and get paid bounty. A motion was made by Manager Hanson and seconded by Manager Erickson for staff to check into what other watershed districts are doing. Carried.

13. 9:30 A.M. Appeal Hearing on Permit #3-21-12-24. Lowell Johnson requested a hearing on a denial by the Board of Managers to Permit #3-21-12-24 to install a trap on a centerline culvert in Section 24 of Pleasant View Township. Chairman Holmvik called the hearing to order at 9:30. Attorney Hanson asked if any new evidence had been presented to Administrator Ruud by Lowell Johnson or anyone else. The office has not received anything new from Lowell Johnson however Ruud had phone conversations with Duane Hanson and Cary Sip who stated that Lowell had been offered a trap about ten years ago but denied it. They preferred to wait and see how the current situation worked. Stewart Klask and Leon Johnson felt that if the water can go north, it should also be allowed to go south and left as is. Lowell Johnson was not in attendance. Engineer Bents stated that the decision to deny it was concern from downstream landowners and engineering recommended denial of the trap. A motion was made by Manager Hanson and seconded by Manager Spaeth to deny the permit the same as the first time. Carried.

14. Clay County Ditch #4. It was reported that the District now has the appropriate ROW, Gordon has the contract and approximately one mile of the ditch system will also be cleaned while the contractor is there.

15. Moccasin Creek O & M Plan. Administrator Ruud stated that the District is currently awaiting a response from the DNR. Manager Erickson stated that he didn't think it would be going anywhere.

16. Rural Acquisition Properties. Administrator Ruud asked the Board if he needed authorization to lease out acquisition properties or does the Board want each one brought before them. Consensus of Managers was that each application be brought before the board.

17. Northern Improvement Dam. It was reported that repair work on Northern Improvement Dam is complete and the contractor submitting the billings.

18. Hearing on Permit #3-21-12-24. Lowell Johnson arrived at 9:45 a.m. Administrator Ruud informed him that the hearing was held at 9:30 as notified and the board made the decision to uphold the denial as no new evidence was presented. Johnson left the meeting.

19. Watershed District Policies. Manager Erickson brought up policies for the District and wanted to discuss some possible changes. Manager Hanson suggested having a special meeting for this purpose.

20. Special Meeting and Project Team Meeting. Consensus of Managers was to hold a special meeting on Wednesday July 27, 2012, at the District office for the purpose of acting on permits, policies and any other items that may come in prior to that time. A Project Team meeting will also be held Wednesday July 27, 2012, at the District office following the special meeting.

21. CD Renewal. Administrator Ruud reported that the CD of the District's in the amount of \$285,000 is now time for renewal at Frandsen Bank. Ruud stated that he sent notices to all banks in the area to determine if they were interested in holding the CD. only three replied, one saying that they did not want to do anything, two with the exact same amount as the local bank. A motion was made by Manager Christensen and seconded by Manager Spaeth to renew the CD at Frandsen bank for one year. Carried.

22. Managers Per Diems & Expenses. A motion was made by Manager Austinson and seconded by Manager Johannsen to approve payment of Managers Per Diems and expenses as distributed. Carried.

PERMIT APPLICATIONS

23. Cliff Frasier, Section 31, Rosedale Twp. A motion was made by Manager Spaeth and seconded by Manager Ericson to table and notice landowners in Section 31 and 32 of Rosedale Twp. and Section 6 of Lake Grove Township, Permit #6-13-12-13 to construct wetland restorations and wildlife ponds or if notified by landowners of their approval, permit would be approved. Carried.

24. Mark Rothschadl, Sections 4, 9 White Earth Twp. A motion was made by Manager Hanson and seconded by Manager Spaeth to approve Permit #6-13-12-33 to construct wetland restorations and wildlife ponds. Carried.

25. Rick Manke, Section 22, Green Meadow Twp. A motion was made by Manager Hanson and seconded by Manager Johannsen to approve Permit #6-13-12-19 to construct wetland restorations and wildlife ponds. Carried.

26. Rick Jasken, Section 9, White Earth Twp. A motion was made by Manager Hanson and seconded by Manager Spaeth to approve Permit #6-13-12-16 to construct wetland restorations and wildlife ponds. Carried.

27. Mark Weibolt, Section 22, Lake Grove Twp. A motion was made by Manager Hanson and seconded by Manager Spaeth to approve Permit #6-13-12-37 to construct wetland restorations and wildlife ponds. Carried.

28. A motion was made by Manager Spaeth and seconded by Manager Hanson to table the following permit applications. Carried.

- B & G Farms, Section 18, Marsh Creek Twp. Install subsurface drain tile.
- Bejou Twp. Section 13-24 Bejou Twp. Replace a 24" culvert with a 36" culvert.
- Rick Borgen, Section 5, Mary Twp. Install subsurface drain tile.
- Dahl Farms, Section 22, Bejou Twp. Install subsurface drain tile.
- Lowell Ellefson, Sections 22-23, Home Lake Twp. Construct wetland restorations and wildlife ponds.
- Fossum Twp. Section 16, Fossum Twp. Replace a bridge with a Texas Crossing.
- Joel Gritzmacker, Section 13, Home Lake 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.
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- Kevin Olson, Section 25, Green Meadow Twp. Improve a drainage ditch.
- Paul Ramsey, Section 20, Home Lake Twp. Construct wetland restorations and wildlife ponds.
- Paul Ramsey, Section 29, Home Lake Twp. Construct wetland restorations and wildlife ponds.
- Paul Ramsey, Section 31, Home Lake Twp. Construct wetland restorations and wildlife ponds.

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

- Brad Arends, Section 22, Mary Twp. Permit # 6-13-12-3 to install a field approach and pipe with the condition that the pipe will have a maximum size of 24" diameter or equivalent capacity.
- Aaron Broden, Section 2, Lockhart Twp. Permit #6-13-12-7 to install a field approach and pipe with the condition that the pipe will have a 42" diameter or equivalent capacity.
- Rodney Dahlsad, Section 17, Viding Twp. Permit #6-13-12-10 to install subsurface drain tile with the following conditions and recommendations: 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 and that pumps and associated pipes will not be installed above ground and will not block vehicle traffic on the ROW of the ditch systems. Also all disturbed areas in the ditch ROWs will be restored and reseeded to preexisting conditions.
- Randy Hanson, Section 15, Anthony Twp. Permit #6-13-12-15 to install a field approach and an 18" pipe.
- Don Johnson, Section 14, Winchester Twp. Permit #6-13-12-17 to install a field approach and pipe with the condition that the pipe will have an 18" diameter or equivalent capacity.

- Don Johnson, Section 14, Winchester Twp. Permit #6-13-12-18 to install two field approaches and pipes with the condition that the east site pipe will have an 18" diameter or equivalent capacity, and the north site pipe will have a 30" diameter or equivalent capacity.
- David McCollum, Section 9, Chief Twp. Permit #6-13-12-21 to install a water and sediment basin with no conditions.
- MNDOT Section 15, Winchester Twp. Permit #6-13-12-22 to replace an 18" culvert with a longer one with no conditions.
- David Overbo, Clay County Hwy Dept. Sec. 28-29 Viding Twp. Permit #6-13-12-27 to replace a bridge with a 12' x 6' box culvert.
- Dean Pederson, Section 17, Waukon Twp. Permit #6-13-12-28 to install a field approach and pipe with the condition that the pipe will have a 24" diameter or equivalent capacity.
- Popple Grove Township, Sections 21, 22 Popple Grove Twp. Permit #6-13-12-29 to lower a 48" culvert.
- Ruud Farms, Section 2, Flom Twp. Permit #6-13-12-34 to install subsurface drain tile with the following conditions and recommendations. 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 and that pumps and associated pipes will not be installed above ground and will not block vehicle traffic on the ROW of the ditch systems.
- Ruud Farms, Section 3, Flom Twp. Permit #6-13-12-35 to install a field approach with an 18" culvert.
- Vig Farms, Section 28, Heier Twp. Permit #6-13-12-36 to install a water and sediment basin.
- Wild Rice Township, Section 1 Wild Rice Twp. Permit #6-13-12-38 to replace a culvert with the same size at the same elevation.

30. John Chisholm, Section 28, Pleasant View Twp. Permit #6-13-12-8 to install subsurface drain tile. A motion was made by Manager Austinson and seconded by Manager Hanson to table the permit at the request of the applicant. Carried.

31. Complaints/Violations. The following complaints/violations were brought before the board.

- Complaint filed Stewart Klask and Leon Johnson for ditch by John Brandt in Section 21 of Green Meadow Twp. No action taken at this time.
- Complaint filed by Chad Geray against Pete Revier that dirt was holding back a waterway. A motion was made by Manager Austinson and seconded by Manager Hanson to provide correspondence to Geray that no blockage was seen and that the District was going to dismiss the complaint. Carried.
- Complaint filed by Robert Brandt that County Ditch #26 was blocked by Corey Jacobson. No action at this time as the drainage authority is reviewing the complaint.

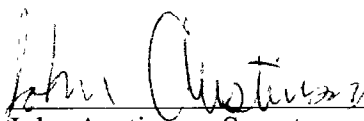
- Complaint filed by Norman County that Nepstad Farms did work in County Ditch #36. A motion was made by Manager Hanson and seconded by Manager Christensen to notify Nepstad Farms that they must either restore the work or submit an Application to the ditch authority, which is Norman County. Carried.
- Complaint filed by Craig Lavoie that a ditch block was removed by Pazdernik Farms on the Lavoie property without a permit. A motion was made by Manager Christensen and seconded by Manager Hanson to dismiss the complaint based on the fact that Pazdernik Farms did have a permit. Carried.

32. Hendrum/Perley Road Raises. Engineer Bents discussed assisting the Communities of Hendrum and Perley regarding providing information for them to submit to MN DOT, State and Counties regarding what is necessary for the road raises in the two communities, in the amount of approximately \$5,000 each. Carried. Managers Hanson and Erickson opposed and Manager Johannsen abstained. Carried.

33. Moccasin Creek Pilot Project. Chuck Fritz gave a presentation on the Red River Basin's Decision Information Network, Project Planning and Permit Evaluation Tool. He stated that the project goal is to accelerate development and deployment of data and tools needed to propose at least one FDR project in each MN watershed by the end of 2012. Fritz stated that the program would provide a good tool for the planning process. Fritz requested to meet with Managers for at least two hours for him, Ron Harnack and Charlie Anderson to present this computer program and review it with Managers. Consensus was for staff to schedule a time when all could attend.

34. Strand Township/Gerald Chisholm Violation Section 25, Green Meadow Township. Mark Chisholm, Jerry Chisholm, Jay Visser, Norm Gullingsrud, Allan Haaland, Dale Treichel and Gene Stroble met with Managers to discuss the permit violation of Jerry Chisholm in Section 25 of Green Meadow Township, in which he removed a Texas crossing to install culverts without a permit. Upon submitting an after the fact permit Application to the Board of Managers it was denied due to downstream landowner impacts. Chisholm was ordered by the Board to restore the site by June 8, 2012, and has not completed the restoration to date. Considerable discussion followed. Mark Chisholm repeatedly asked the board and engineer what size culverts would be necessary to be acceptable. Consensus of Managers was that the Board does not provide that information to applicants, they may either ask their respective county engineers or hire a private consultant. A motion was made by Manager Hanson and seconded by Manager Johannsen authorizing Attorney Hanson to draft a summons and complaint to the courts for the appropriate civil action against the violator asking for all attorneys' fees and expenses incurred by the board to restore the site to its original condition. Carried with Manager Erickson opposed. Landowners in attendance were told that if they came to an agreement on a solution prior to the court hearing, they could stop the proceedings at any time.

35. 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 12:10 p.m.


John Austinson, Secretary

Date	Num	Name	Memo	Amount
May 10 - Jun 13, 12				
05/14/2012	14394	Wambach & Hanson Trust Account	Proj Easements and Land Acq CD #4	10,840.00
05/17/2012	14396	MPCA	Stormwater Permit	400 00
06/11/2012	14397	3D Specialties	Perley Levee	2,520 00
06/11/2012	14398	Ada City	Utilities	230 99
06/11/2012	14399	Ada Electric, Inc	Underground trenching Perley	486.04
06/11/2012	14400	AmeriPride	Office Rugs	69.83
06/11/2012	14401	Angstrom Analytical, Inc.	Commnity Ring Dikes	8,195.00
06/11/2012	14402	Arvig	Utilities	188.54
06/11/2012	14403	Braun Intertec Corporation	Hendrum Levee	606.50
06/11/2012	14404	Cardmember Service	Permits Mapping	320.25
06/11/2012	14405	Dakota Fence	Hendrum Levee	2,336 00
06/11/2012	14406	EcoLab	Rodent Control	69 47
06/11/2012	14407	Feldt Plumbing	Demo Acq Homes	47,854.26
06/11/2012	14408	Gordon Construction	Construction Work	7,450.00
06/11/2012	14409	Houston Engineering, Inc.	Engineering Fees	40,364 16
06/11/2012	14410	James Wagner, Sr.	Beaver Control	4,497 71
06/11/2012	14411	Kevin Erickson	Lawn Mowing	162.50
06/11/2012	14412	Kris Versdahl	Web Site Update	30 00
06/11/2012	14413	Loretel Systems	Utilities	272 94
06/11/2012	14414	Mahnomen Soil & Water Cons District	DFIRM Tasks for Mah Co.	18,000 00
06/11/2012	14415	MARCO, Inc.	Copier Lease	641 70
06/11/2012	14416	McCollum Hardware, Inc	Office Supplies	29.48
06/11/2012	14417	Minnesota Energy Resources Corporation	Utilites	50 69
06/11/2012	14418	Norman County Treasurer/Auditor	Beaver Control	120.00
06/11/2012	14419	Northwest Beverage, Inc	Office Supplies	284 53
06/11/2012	14421	Ralph's Food Pride	Supplies	23.43
06/11/2012	14422	Red River Coop Power	Commnity Ring Dikes	2,867.15
06/11/2012	14423	Red River Watershed Management Board	1/2 Cost Share RE Taxes	149,484.53
06/11/2012	14424	Renae Kappes	Cleaning	150.00
06/11/2012	14425	Tony Sip	Tree Removal	2,160.00
06/11/2012	14426	Wambach & Hanson	Legal Counsel	1,319.33
06/11/2012	14427	Waypoint Insurance Advisors	Insurance for District	7,120 00
06/11/2012	14428	Zavoral & Sons	Pay Req #1 Proj #30	246,275.91
06/11/2012	14429	AT&T	Utilities	92 90
06/11/2012	14430	Office Supplies Plus	Office Supplies	277 86
06/13/2012	14432	Braun Intertec Corporation	Perley Geotech Eval	1,431 25
06/13/2012	14436	Curt Johannsen	Managers per diem & exp	84 39
06/13/2012	14437	Dean P Spaeth	Managers per diem & exp	127.37
06/13/2012	14438	Duane L Erickson	Managers per diem & exp	344 64
06/13/2012	14439	Gregory R Holmvik	Managers per diem & exp	136.80
06/13/2012	14440	John D Austinson	Managers per diem & exp	102.95

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Approved Meeting Minutes
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Date	Num	Name	Memo	Amount
May 10 - Jun 13, 12				
06/13/2012	14442	Raymond M Hanson	Managers per diem & exp	90.74
May 10 - Jun 13, 12		Payroll/emp ins &	Med exp & Payroll taxes	11,593.71
				<u>569,908.81</u>